



भारत का गज़त

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सं. ७]

नई दिल्ली, सनिवार, फरवरी १६, १९८५/माघ २७, १९०६

No. 7] NEW DELHI, SATURDAY, FEBRUARY 16, 1985/MAGHA 27, 1906

इस भाग में भिन्न पृष्ठ संख्याएँ दी जाती हैं जिससे यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

भाग II—खण्ड ३—उप-खण्ड (ii)

PART II—Section 3—Sub-section (ii)

(रक्षा मंत्रालय को छोड़ कर) भारत सरकार के संबोधित द्वारा जारी किये गये सार्विक आदेश और अधिसूचनाएँ
Statutory Orders and Notifications Issued by the Ministries of the Government of India
(other than the Ministry of Defence)

विधि, न्याय और कम्पनी कार्य मंत्रालय

(विधि कार्य विभाग)

नई दिल्ली, 24 जनवरी, 1985

सूचना

का. आ. 631.—नोटरीज नियम, 1956 के नियम 6 के अनुसरण में सकाम प्राधिकारी द्वारा यह सूचना दी जाती है कि श्री अनिल कुमार शर्मा, वकिल, १/१/बी, राय लाइन कलकत्ता-७, ने उक्त प्राधिकारी को उक्त नियम के नियम 4 के अधीन एक आवेदन इस बात के लिए दिया जाता है कि उसे कलकत्ता अवसाय करने के लिए नोटरी के रूप में नियुक्त किया जाए।

2. उक्त व्यक्ति की नोटरी के रूप में नियुक्ति पर किसी भी प्रकार का आक्षेप इस सूचना के प्रकाशन के चौदह दिन के भीतर लिखित रूप में मेरे पास भेजा जाए।

[सं. ५ (५)/85-न्या.]

MINISTRY OF LAW, JUSTICE AND CO. AFFAIRS

(Department of Legal Affairs,

New Delhi, the 24th January, 1985

NOTICE

S.O. 631.—Notice is hereby given by the Competent Authority in pursuance of rule 6 of the Notaries Rules, 1956, that

application has been made to the said Authority, under rule 4 of the said Rules, by Shri Anil Kumar Sharma, Advocate, 1/1/B, Roy Lane, Calcutta-7 for appointment as a Notary to practice in Calcutta.

2. Any objection to the appointment of the said person as a Notary may be submitted in writing to the undersigned within fourteen days of the publication of this Notice.

[No. F. 5(5)/85-Judl.]

नई दिल्ली, 25 जनवरी, 1985

सूचना

का. आ. 632.—नोटरीज नियम, 1956 के नियम 6 के अनुसरण में सकाम प्राधिकारी द्वारा यह सूचना दी जाती है कि श्री एम. एन. देशभूष, वकिल, देशभूष वाडी, पी. के. रोड, मुलन्द बम्बई-400080, ने उक्त प्राधिकारी को उक्त नियम के नियम 4 के अधीन एक आवेदन इस बात के लिए दिया जाता है कि उसे पश्चिम मुलन्द बम्बई, 400080, अवसाय करने के लिए नोटरी के रूप में नियुक्त किया जाए।

2. उक्त व्यक्ति की नोटरी के रूप में नियुक्ति पर किसी भी प्रकार का आक्षेप इस सूचना के प्रकाशन के चौदह दिन के भीतर लिखित रूप में मेरे पास भेजा जाए।

[सं. ५ (४)/85-न्या.]

एस. गुप्ता, सकाम प्राधिकारी

New Delhi, the 25th January, 1985

NOTICE

S.O. 632.—Notice is hereby given by the Competent Authority in pursuance of rule 6 of the Notaries Rules, 1956, that application has been made to the said Authority, under rule 4 of the said Rules, by Shri M. N. Deshmukh, Advocate, Deshmukh Wadi, P. K. Road, Mulund, Bombay-400080 for appointment as a Notary to practice in Mulund, West Bombay-80.

2. Any objection to the appointment of the said person as a Notary may be submitted in writing to the undersigned within fourteen days of the publication of this Notice.

[No. F. 5(4)/85-Judl.]

S. GOOPTU, Competent Authority

गृह मंत्रालय

(गृह विभाग)

(पुनर्वास विभाग)

नई दिल्ली, 22 जनवरी, 1985

का०आ० 633—विस्थापित व्यक्ति (प्रतिकर तथा पुनर्वास) अधिनियम, 1954 (1954 का 44) की धारा 34 की उपधारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैं इसके द्वारा अपर सचिव, बिहार सरकार, राजस्व व भूमि सुधार विभाग को, जो इस विभाग की दिनांक 17 जनवरी, 1985 की अधिसूचना संख्या—1(12)/वि०स०/84-एस.एस. II (ग) द्वारा बन्दोबस्त आयुक्त के रूप में नियुक्त किए गए हैं, मुख्य बन्दोबस्त आयुक्त को निम्न शक्तियों सौंपता हूँ:—

(1) उक्त अधिनियम की धारा 23 के अधीन अपील सुनने की शक्तियाँ।

(2) उक्त अधिनियम की धारा 24 के अन्तर्गत पुनरीक्षण सुनने की शक्तियाँ।

(3) उक्त अधिनियम की धारा 28 के अन्तर्गत भासलों के हस्तान्तरण की शक्तियाँ।

2. इससे 5-9-1980 की अधिसूचना संख्या—1(1) (वि०स०/79-एस.एस. II) का अधिकरण किया जाता है।

[संख्या—1 (12)/वि०स०/84-एस.एस. II(ग)]

MINISTRY OF HOME AFFAIRS

(Department of Home Affairs)

(Rehabilitation Wing)

New Delhi, the 22nd January, 1985

S.O. 633.—In exercise of the powers conferred by Sub-Section (2) of Section 34 of the Displaced Persons (Compensation and Rehabilitation) Act, 1954 (44 of 1954), I hereby delegate to Additional Secretary to the Government of Bihar, Revenue and Land Reforms Department, appointed as Settlement Commissioner vide this Department's Notification No. 1(12)/Spl. Cell/84-SS.II(C), dt. the 17th Jan., 1985 the following powers of the Chief Settlement Commissioner:—

(i) Powers to hear appeals under Section 23 of the said Act.

(ii) Powers to hear revisions under Section 24 of the said Act.

(iii) Powers to transfer cases under Section 28 of the said Act.

2. This supersedes Notification No. 1(1)/Spl. Cell/79-SS.II, dated 5-9-80.

[No. 1(12)/Spl. Cell/84. SS.II.(D)]

का०आ० 634—निष्कान्त सम्पत्ति प्रशासन अधिनियम'

1950 (1950 का 31) की धारा 55 की उपधारा (3) द्वारा महाभिरक्षक के रूप में मैं प्रदत्त शक्तियों का प्रयोग करते हुए मैं इसके द्वारा इस विभाग की दिनांक 17 जनवरी, 1985 की अधिसूचना संख्या 1(12)/वि०स०/84-एस.एस. II (क) द्वारा बिहार राज्य के लिए सहायक महाभिरक्षक, निष्कान्त सम्पत्ति के रूप में नियुक्त अपर सचिव, राजस्व व भूमि सुधार विभाग, बिहार सरकार को महाभिरक्षक की निम्न शक्तियाँ सौंपता हूँ:—

(1) अधिनियम की धारा 24 और 27 के अधीन शक्तियाँ।

(2) अधिनियम की धारा 10(2)(0) के अधीन किसी भी निष्कान्त सम्पत्ति के हस्तान्तरण के अनुमोदन की शक्तियाँ।

(3) निष्कान्त सम्पत्ति प्रशासन (केन्द्रीय) नियम, 1950 के नियम 30-के अधीन मामलों के हस्तान्तरण की शक्तियाँ।

2. इससे 9 सितम्बर, 1980 की अधिसूचना संख्या 1(1)/वि०स०/79-एस.एस. II का अधिकरण किया जाता है।

[सं० 1(12)/वि०स०/84-एस०एस०-II(ब)]

जी०प०एस० साही, महाभिरक्षक

S.O. 634.—In exercise of the powers conferred on me by the Custodian General by Sub-Section (3) of Section 55 of the Administration of Evacuee Property Act, 1950 (31 of 1950), I hereby delegate to Additional Secretary, in the Revenue and Land Reforms Department, Government of Bihar, appointed as Assistant Custodian General of Evacuee Property for the State of Bihar vide this Department's Notification No. 1(12)/Spl. Cell/84-SS.II(A) dated the 17th January, 1985 the following powers of the Custodian General:—

(i) Powers under Section 24 and 27 of the Act.

(ii) Powers of approval of transfer of any Evacuee Property Under Section 10(2)(0) of the Act.

(iii) Powers of transfer of cases under Rule 30-A of the Administration of Evacuee Property (Central) Rules, 1950.

2. This supersedes Notification No. 1(1) Spl. Cell/79-SS.II, dated the 9th September, 1980.

[No. 1(12)/Spl. Cell/84-SS.II(B)]

G. P. S. SAHI, Custodian General

वित्त मंत्रालय

(राजस्व विभाग)

नई दिल्ली, 22 दिसम्बर, 1984

प्रायकर

का. पा. 635.—प्रायकर अधिनियम, 1961

(1961 का 43) की धारा 2 के खण्ड (44) के उपकरण (iii) के अनुसरण में केन्द्रीय सरकार एवं द्वारा श्री एस. पी. मेहता को, जो केन्द्रीय सरकार के राजपत्रित अधिकारी हैं।

उक्त अधिनियम के अन्तर्गत कर वसुली अधिकारी की शक्तियों का प्रयोग करने के लिए प्रायिकृत करती है।

2. एस. पी. मेहता द्वारा कर बदली अधिकारी के रूप में कार्यभार प्रहण किए जाने को तारीख
प्रथम 1-11-1984 से लागू होगी।

[सं. 6083/फा. सं. 398/44/84-प्र. क. (ब.)]
बा. नाराजन, उप सचिव

MINISTRY OF FINANCE
(Department of Revenue)
New Delhi, the 22nd December, 1984

INCOME-TAX

S.O. 635.—In pursuance of sub-clause (iii) of clause (44) of Section 2 of the Income-Tax Act, 1961 (43 of 1961) the Central Government hereby authorises Shri S. P. Mehta being a gazetted officer of the Central Government to exercise the powers of a Tax Recovery Officer under the said Act.

2. This Notification shall come into force with effect from 1-11-84 when Shri S. P. Mehta took over charge as Recovery Officer.

[No. 6083/F. No. 398/44/84-IT(B)]
B. NAGARAJAN, Dy. Secy.

नई दिल्ली, 31 जनवरी, 1985

आदेश

स्टाम्प

का. प्रा. 636.—भारतीय स्टाम्प अधिनियम, 1899 (1899 का 2) की धारा 9 की उपधारा (1) के अंडे (ब) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एवं द्वारा इंडियन एक्सप्लोसिभ्स लि., कलकत्ता को केवल घारह लाख पच्चीस हजार रुपये के उस समेकित स्टाम्प भुक्त की अदायगी करने की अनुमति देती है जो उक्त कंपनी द्वारा जारी किए जाने वाले पन्द्रह करोड़ रुपये के अक्रित मूल्य के परिणाम्य आरंभित असंपरिवर्तनीय अनुपत्तों के रूप में बन्धपत्रों पर प्रभार्य है।

[सं. 6/85-स्टाम्प-फा. सं. 33/67/84-वि. क.]
भगवान दास, अवर सचिव

New Delhi, the 31st January, 1985

ORDER

STAMPS

S.O. 636.—In exercise of the powers conferred by clause (b) of sub-section (1) of section 9 of the Indian Stamp Act, 1899 (2 of 1899), the Central Government hereby permits Indian Explosives Limited, Calcutta, to pay consolidated stamp duty of eleven lakhs twenty five thousand rupees only, chargeable on account of the stamp duty on bonds in the form of redeemable secured non-convertible debentures of the face value of fifteen crores of rupees to be issued by the said Company.

[No. 6/85-Stamp-F. No. 33/67/84-ST]
BHAGWAN DAS, Under Secy.

नई दिल्ली, 5 फरवरी, 1985

आदेश

का.आ० 637--भारत सरकार के मंयुक्त मण्डित ने, जिसे विदेशी मुद्रा संरक्षण और तस्करी निवारण अधिनियम, 1974 (1974 का 52) की धारा 3 की उपधारा (1) के अधीन विशेष भूप से सशक्त किया गया है, उक्त उपधारा के अधीन आदेश फा०सं० 673/148/84-सीमा शु० 8, तारीख 6-8-84, यह निवेश देते हुए जारी किया था कि श्री रवीन्द्र आर० वाधानी उर्फ बाला उर्फ बालाभाई उर्फ काका, 41 एनेक्जेन्डर कोर्ट, 60/1, चौरांगी रोड, कलकत्ता-700020 को माल की तस्करी करने और माल की तस्करी करने के लिए दुष्प्रेरित करते से निवारित करने की दृष्टि से प्रेसीडेंसी जेल, कलकत्ता में निरुद्ध कर लिया जाए और अभिरक्षा में रखा जाए; और

2. केन्द्रीय सरकार के पास यह विश्वास करने का कारण है कि पूर्वोक्त व्यक्ति फरार हो गया है या अपने को छिपा रहा है जिससे कि उक्त आदेश का निपातन नहीं हो सके;

3. अतः अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 7 की उपधारा (1) के अंडे (ब) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह निवेश देती है कि पूर्वोक्त व्यक्ति इस आदेश के राजपत्र में प्रकाशन के सात दिन के भीतर पुलिस आयुक्त, कलकत्ता के समक्ष हाजिर हो।

[फा०सं० 673/148/84-सीमा-8)]

New Delhi, the 5th February, 1985

ORDER

S.O. 637.—Whereas the Joint Secretary to the Government of India, specially empowered under sub-section (1) of section 3 of the Conservation of Foreign Exchange and Prevention of Smuggling Activities Act, 1974 (52 of 1974 issued Order F. No. 673/148/84-Cus. VIII, dated 6-8-84 under the said sub-section directing that Shri Rabindra R. Vaghani alias Bala alias Balabhai alias Kaka, 41, Alexander Court, 60/1, Chorringhee Road, Calcutta-700020, be detained and kept in custody in the Presidency Jail, Calcutta with a view to preventing him from smuggling goods and abetting the smuggling of goods;

2. Whereas the Central Government has reason to believe that the aforesaid person has absconded or is concealing himself so that the order cannot be executed; and

3. Now, therefore, in exercise of powers conferred by clause (b) of sub-section (1) of section 7 of the said Act, the Central Government hereby directs the aforesaid person to appear before the Commissioner of Police, Calcutta within 7 days of the publication of this order in the Official Gazette,

[F. No. 673/148/84-Cus.VIII]

मुद्रित-

नई दिल्ली, 31 जनवरी, 1985

का०आ० 638.—इस मंत्रालय के दिनांक 18-12-1984 के आदेश का०सं० 673/60/84-सी०श० VIII में आने वाले तथा दिनांक 29-12-1984 को भारत के राजपत्र के भाग II, खंड 3 के उप-खंड (ii) दृष्टव्य का.आ. संख्या 4632 में प्रकाशित नजरबन्द व्यक्ति का नाम श्री अमीन हसन सुमलेहानिया की बजाए श्री अमीन हसन सुम्भानिया पढ़ा जाए।

[का०सं० 673/60/84-सी०श० VIII]
बकुल के० बक्षी, उपसचिव

CORRIGENDUM

S.O. 638.—The of detenu appearing in this Ministry's order F. No. 673/60/84-Cus. VIII, dated 18-12-1984, published in the Gazette of India, Part II, Section 3, Sub-Section (ii) dated 29-12-1984 vide S.O. No. 4632, may be read as Shri Amin Hasan Sumbhania instead of Shri Amin Hasan Sum Ichania.

[F. No. 673/60/84-CUS. VIII]
B. K. BAKSHI, Dy Secy.

(ग्राहिक कार्य विभाग)

(बैंकिंग प्रभाग)

नई दिल्ली, 29 जनवरी, 1985

का. आ. 639.—बैंककारी विभागन अधिनियम, 1949 (1949 का 10) को धारा 56 के साथ पठित धारा 53 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, भारतीय रिजर्व बैंक की सिफरिश पर एतद्वारा घोषणा करती है कि उक्त अधिनियम की धारा 11 की उपधारा (1) के उपबन्ध सिंटेंशन अवैन को-ऑपरेटिव बैंक लि., दमोह पर, इस अधिसूचना के भारत के राजपत्र में प्रकाशित होने की तारीख से 30 जून, 1986 तक की अवधि के लिए लागू नहीं होगी।

[सं. एफ. 8-2/84-ए. सी.]
अमर सिंह, अवैर सचिव

(Department of Economic Affairs)

(Banking Division)

New Delhi, the 29th January, 1985

S.O. 639.—In exercise of the powers conferred by Section 53 read with Section 56 of the Banking Regulation Act, 1949 (10 of 1949), the Central Government, on the recommendation of the Reserve Bank of India, hereby declares that the provisions of sub-Section (1) of Section 11 of the said Act shall not apply to the Citizen Urban Co-operative Bank Ltd., Damoh for the period from the date of publication of this notification in the Gazette of India to 30th June, 1986.

[F. No. 8-2/84-AC]

AMAR SINGH, Under Secy.

का. आ. 640.—भारतीय रिजर्व बैंक अधिनियम, 1934 (1934 का 2) की धारा 8 की उपधारा (1) के खण्ड (क) और उपधारा (4) के अनुसरण में, केन्द्रीय सरकार एतद्वारा श्री आर. एन. मल्होत्रा को 4 फरवरी, 1985 से आरम्भ होकर 3 फरवरी, 1990 को समाप्त होने वाली पांच वर्षों की अवधि के लिए भारतीय रिजर्व बैंक के गवर्नर के पद पर नियुक्त करती है।

[सं. एफ. 7(1)/85-बी. ओ.-I(1)]
वी. के. दर, अपर सचिव

New Delhi, the 31st January, 1985

S.O. 640.—In pursuance of clause (a) of sub-section (1) and sub-section (4) of section 8 of the Reserve Bank of India Act, 1934 (2 of 1934), the Central Government hereby appoints Shri R. N. Malhotra as Governor of the Reserve Bank of India for a term of five years commencing on February 4, 1985 and ending with February 3, 1990.

[No. F. 7/1/85-B.O. I(1)]
V. K. DHAR, Addl. Secy.

नई दिल्ली, 31 जनवरी, 1985

का. आ. 641.—भारतीय रिजर्व बैंक अधिनियम, 1934 (1934 का 2) की धारा 8 की उपधारा (4) के साथ पठित उपधारा (1) के खण्ड (क) के अनुसरण में केन्द्रीय सरकार, एतद्वारा श्री अमिताभ घोष को 4 फरवरी, 1985 से आरम्भ होने वाली और 20 जनवरी, 1987 को समाप्त होने वाली अवधि के लिए भारतीय रिजर्व बैंक के उप गवर्नर के रूप में पुनर्नियुक्त करती है।

[सं. एफ. 7/1/85-बी. ओ.-I(2)]
च. वा. मीरचन्दना, निदेशक

New Delhi, the 31st January, 1985

S.O. 641.—In pursuance of clause (a) of sub-section (1) read with sub-section (4) of section 8 of the Reserve Bank of India Act, 1934 (2 of 1934), the Central Government hereby re-appoints Shri Amitabh Ghosh as Deputy Governor of the Reserve Bank of India for the period commencing on February 4, 1985 and ending with January 20, 1987.

[No. F. 7/1/85-B.O. I(2)]
C. W. MIRCHANDANI, Director.

नई दिल्ली, 1 फरवरी, 1985

का. आ. 642.—केन्द्रीय सरकार, मिल्का-निर्माण अधिनियम, 1906 (1906 का 3) की धारा 6 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह अवधारित करती है कि निम्नलिखित मूल्य वर्ग के सिवे भी केन्द्रीय सरकार के प्राधिकार के अधीन आर्जी किए जाने के लिए

दफ्तराल में बनाए जाएंगे और ऐसे सिक्के निम्नलिखित बोमा, डिजाइन और धारा मंसूबना के अनुरूप होंगे, अर्थात् :—

सिक्के का मूल्य वर्ग	आकार और बाहरी व्यास	धातु संरचना
पाँच पैसे	चतुर्भुजीय कोणों से गोल कोणों पर 22 मिली-मीटर	ऐसुमिनियम—मैग्नीशियम 3.5 से 4 प्रतिशत
	फैलैट भाग पर 19 मिलीलीटर	ऐसुमिनियम—जॉप

डिजाइन :

मूल्य भाग : सिक्के के इस भाग पर अशोक स्तम्भगुम्बज होगा जिसके नीचे हिन्दी में "सत्यमेव जयते" सारखाक्य अंकित होगा। इसकी ऊपर को बायी परिधि में "भारत" शब्द और ऊपर की दायी परिधि में "India" शब्द अंकित होगे।

पूछ भाग : सिक्के के इस भाग पर सिक्के का निर्माण वर्ष और सिक्के का अंकित मूल्य "5" अंतरराष्ट्रीय अंक में अंकित होगा और दायी तरफ "पैसे" शब्द हिन्दी में और दायी तरफ "Paise" शब्द अंग्रेजी में अंकित होगे।

[सं. एफ. 1/9/84-क्रायत (i)]

New Delhi, the 1st February, 1985

S.O. 642.—In exercise of the powers conferred by section 6 of the Coinage Act, 1906 (3 of 1906), the Central Government hereby determines that the coins of the following denomination shall also be coined at the Mints for issue under the authority of the Central Government and that such coins shall conform to the following dimension, design and metal composition, namely :—

Denomination of the coin	Shape and Outside Diameter	Metal Composition
Five Paise	Square with rounded corners. 22 mm. across corners. 19 mm. across flats.	Aluminium-Magnesium Magnesium—3.5 to 4% Aluminium—remainder.

Design :

Obverse : This face of the coin shall bear the Lion Capital of Ashoka Pillar, with the legend "सत्यमेव जयते" inscribed in Hindi below. It shall be flanked on the left upper periphery with the word "भारत" and on the right upper periphery with the word "INDIA".

Reverse : This face of the coin shall bear the denominational value of "5" in international numeral with the year of coinage underneath and the words "पैसे" in Hindi on the left hand side and "PAISE" in English on the right hand side.

[No. F. 1/9/84—C. in (i)]

का. डा. 643—केन्द्रीय मन्त्रालय, मिक्का-निर्माण अधिनियम, 1906 (1906 का 3) की धारा 7 के साथ पठित धारा 21 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए निम्नलिखित नियम बनाती है, अर्थात् :—

1. सक्षिप्त नाम और प्रारम्भ : (1) इन नियमों का संक्षिप्त नाम मिक्का निर्माण (चतुर्भुजीय कोणों से गोल पाँच पैसे के सिक्कों का जिनमें 3.5 से 4 प्रतिशत तक मैग्नीशियम और जॉप ऐसुमिनियम हो, मानक वजन और उपचार नियम, 1984 है।

(2) ये राजपत्र में प्रकाशन की तारीख को प्रवृत्त होंगे।

2. अमूल्य भाग वजन और उपचार : सिक्का निर्माण अधिनियम, 1906 (1906 का 3) की धारा 6 के उपबन्धों के अधीन निर्मित पाँच पैसे के सिक्कों का मानक वजन, जिसमें 3.5 से 4 प्रतिशत मैग्नीशियम और जॉप ऐसुमिनियम है, और ऐसे सिक्कों के निर्माण में अनुकूल उपचार, ये होंगे जो नीचे सारणी में विविधिष्ठ हैं :—

सारणी

सिक्के का मूल्य	मानक वजन	अनुकूल उपचार	
		संरचना में	मानक वजन में
पाँच पैसे	1.00 ग्राम	मैग्नीशियम— 3.5 से 4 प्रतिशत	1/40 वां ग्रामांश या जॉप ऐसुमिनियम-जॉप

[फा. मं. 1/9/84-क्रायत (ii)]
सी. जी. पाथरोज, अवर सचिव

S.O. 643.—In exercise of the powers conferred by sub-section (i) of section 21, read with section 7, of the Coinage Act, 1906 (3 of 1906), the Central Government hereby makes the following rules, namely :—

1. Short title and commencement : (1) These rules may be called the Coinage (Standard Weight and Remedy of the Coins of Five Paise of square shape with rounded corners containing 3.5 to 4 percent Magnesium and remainder Aluminium) Rules, 1984.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. Standard Weight and Remedy allowed : The standard weight of the coins of five paise, containing 3.5 to 4 per cent Magnesium and remainder Aluminium, coined under the provisions of section 6 of the Coinage Act, 1906 (3 of 1906), and the remedy allowed in the making of such coins shall be as specified in the table below :

T A B L E

Denomination of the coin	Standard weight	Remedy allowed	
		In composition	In standard weight
Five Paise	1.00 gramme	Magnesium— 3.5 to 4% Aluminium— remainder	1/40th plus or minus.

[No. F. 1/9/84-Coin (ii)]
C. G. PATHROSE, Under Secy.

बाणिज्य मंत्रालय

नई दिल्ली, 29 जनवरी, 1985

का. घा. 644.—नियंत्रण (क्वालिटी नियंत्रण और निरीक्षण) अधिनियम, 1963 (1963 का 22) की धारा 7 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा मसरू जे. बी. बोडा भैरीन तथा जनरल सर्वे एजेंसिज प्राइवेट लिमिटेड, मेकर भवन, 1, सर चिट्ठलदास ठाकरे सार्ग, बम्बई-400020 तथा मैसर्व जे. बी. बोडा भैरानी एण्ड जनरल सर्वे एजेंसिज प्राइवेट लिमिटेड, पी. "बैबू भैरन", 39 राजाजी सलाई, पोस्ट बोक्स नं. 1957, मद्रास-600001 पर स्थित शाखा को भी इससे संलग्न अनुसूची में विनिश्चित के प्रनुसार अनियंत्रण तथा अयस्कों का नियंत्रण से पूर्व निरीक्षण करने के लिए अधिकारण के रूप में 11 फरवरी 1985 से एक और वर्ष की अवधि के लिए मान्यता देती है।

अनुसूची

1. फैरोमैग्नीज के धातुभूल सहित फैरोमैग्नीज
2. निस्तप्त बोक्साइट सहित बोक्साइट
3. मैग्नीज डायक्साइट
4. कायनाइट
5. सिलिमेनाइट
6. संकेन्द्रित जिक सहित कञ्चा जिक
7. परिदृश्य और विस्तृत मैग्नेसाइट सहित मैग्नेसाइट
8. बेराइट्स
9. लाल बोक्साइट
10. पीला गैरिक
11. सेल्फंडी
12. स्पॉटीय (फैल्सपार)

[फाईल सं. 5/6/79/83-ई आई एण्ड ई पी]

MINISTRY OF COMMERCE

New Delhi, the 29th January, 1985

S.O. 644.—In exercise of powers conferred by sub-section (1) of Section 7 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963), the Central Government hereby recognises for a further period of one year with effect from 14th March 1985, Export Inspection Agency-Madras as an Agency for the inspection of Minerals and Ores Group-I

Inspection) Act, 1963 (22 of 1963), the Central Government hereby recognises for a further period of one year with effect from 11th February, 1985 M/s. J. B. Boda Marine & General Survey Agencies Pvt., Ltd., Maker Bhavan, I, Sir, Vithaldas Thackersey Marg, Bombay-400020 and also branch of M/s. J. B. Boda Marine & General Survey Agencies Pvt. Ltd., at 'WAVOO MANSION', 39 Rajaji Salai, Post Box No. 1957, Madras-600001, as an agency for the inspection of Minerals & Ores as specified in schedule annexed hereto prior to export.

SCHEDULE

1. Ferromanganese, including ferromanganese slag.
2. Bauxite, including calcined bauxite.
3. Manganese Dioxide.
4. Kyanite
5. Sillimanite
6. Zinc Ores, including zinc concentrates.
7. Magnesite, including dead burnt and calcined magnesite.
8. Barytes.
9. Red Oxide.
10. Yellow Ochre.
11. Steatite.
12. Feldspar.

[F. No. 5/6/79/83-EI & EP]

नई दिल्ली, 30 जनवरी, 1985

का. घा. 645.—नियंत्रण (क्वालिटी नियंत्रण और निरीक्षण) अधिनियम, 1963 (1963 का 22) की धारा 7 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा नियंत्रण निरीक्षण अभियान—मद्रास को खालिज तथा अयस्क ग्रुप-1 के निरीक्षण के लिए अधिकारण के रूप में 14 मार्च, 1985 से एक और वर्ष की अवधि के लिए मान्यता देती है।

[का. सं. 5(3)/83-ई आई एण्ड ई पी]

New Delhi, the 30th January, 1985

S.O. 645.—In exercise of powers conferred by Sub-section (1) of Section 7 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963), the Central Government hereby recognises for a further period of one year with effect from 14th March 1985, Export Inspection Agency-Madras as an Agency for the inspection of Minerals and Ores Group-I

[F. No. 5(3)/83-EI&EP]

नई दिल्ली, 5 फरवरी, 1985

प्रादेश

का. घा. 646.—राष्ट्रपति केन्द्रीय सिविल सेवा (वर्गीकरण, नियंत्रण और अपील) नियम 1965 के तियाम 9 के उपनियम (2) नियम 12 के उपनियम (2) के खड़ (ख) और नियम 24 के उपनियम (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, भारत के गजपत्र भाग 2, खंड 3, उपखंड (ii)

तारीख 3 मार्च, 1973 में भारत सरकार के वाणिज्य संबंधों की प्रयोगस्थिता नं. 624 तारीख 20 फरवरी, 1973 पर प्रकाशित और समय-समय पर *संशोधित आदेश का निम्नलिखित संशोधन करते हैं, अधार्तः—

उक्त आदेश की अमूल्यता में—

(1) भाग 2 में, साधारण केन्द्रीय सेवा, समूह "g" में संबंधित क्रम सं. 4 और उससे संबंधित प्रविष्टियों के स्थान पर निम्नलिखित क्रम सं. 4 और प्रविष्टियाँ एवं जाएंगी, अधार्तः—

(1)	(2)	(3)	(4)	(5)
"4. बस्त्र आयुक्त का संगठन				
I. (1) जन संघर्ष अधिकारी	संयुक्त बल आयुक्त/अपर	संयुक्त बल आयुक्त/अपर	सभी	बस्त्र आयुक्त
(2) प्रचार अन्वेषक	बस्त्र आयुक्त	बस्त्र आयुक्त		
(3) आवीकाक				
(4) व्यापक श्रेणी तकनीकी				
(5) अन्वेषक				
(6) आर्द्धिक अन्वेषक				
(7) लागत अन्वेषक				
(8) प्रबलंग निरीक्षक (तकनीकी)				
(9) प्रबलंग निरीक्षक (गैर तकनीकी)				
(10) विशेषज्ञ बुलकर				
(11) ऐप्पल हिन्दी अनुवादक				
(12) टिपोटर				
(13) मालालिपि (धेरी 1)				
II. सभी गोप समूह "g" पर				
	निदेशक/ऐप्पल प्रबलंग अधिकारी/उप निदेशक कार्यालय प्रधान, पावरलूम सेवा केन्द्र/प्रावेशिक कार्यालय	निदेशक/ऐप्पल प्रबलंग अधिकारी/उप निदेशक कार्यालय प्रधान पावरलूम सेवा केन्द्र/प्रावेशिक कार्यालय	सभी	संयुक्त बस्त्र आयुक्त/अपर बस्त्र आयुक्त।"

(2) भाग 3 में, "भाग 3-साधारण केन्द्रीय सेवा, वर्ग 4" शीर्षक के स्थान पर "भाग 3-साधारण केन्द्रीय सेवा, समूह 'g'" शीर्षक रखा जाएगा और इस प्रकार संशोधित भाग 3 में क्रम सं. 4 और उससे संबंधित प्रविष्टियों के स्थान पर निम्नलिखित क्रम सं. 4 और प्रविष्टियाँ एवं जाएंगी, अधार्तः—

(1)	(2)	(3)	(4)	(5)
"4. बस्त्र आयुक्त का संगठन				
सभी पर	निदेशक/ऐप्पल प्रबलंग अधिकारी/उप निदेशक कार्यालय प्रधान पावरलूम सेवा केन्द्र/प्रावेशिक कार्यालय	निदेशक/ऐप्पल प्रबलंग अधिकारी/उप निदेशक कार्यालय प्रधान पावरलूम सेवा केन्द्र/प्रावेशिक कार्यालय	सभी	संयुक्त बस्त्र आयुक्त' अपर बस्त्र आयुक्त।"

*का. आ. 20 तारीख 21-12-1973

का. आ. 516 तारीख 6-2-1978

New Delhi, the 5th February, 1985

ORDER

S.O. 646.—In exercise of the powers conferred by sub-rule (2) of Rule 9, clause (b) of sub-rule (2) of the Rule 12 and sub-rule (1) of Rule 24 of the Central Civil Services (Classification, Control and Appeal) Rules, 1965, the President hereby makes the following amendments in the Order of the Government of India in the Ministry of Commerce No. S.O. 624, dated the 20th February, 1973, published in Part II, Section 3, sub-section (ii) of the Gazette of India, dated the 3rd March, 1973, as *amended from time to time, namely:—

In the Schedule to the said Order :—

- (1) In Part II, relating to General Central Services, Group 'C', for S. No. 4 and the entries relating thereto, the following S. No. and the entries shall be substituted namely :—

(1)	(2)	(3)	(4)	(5)
"4. Organisation of Textile Commissioner."				
I.	(i) Public Relation Officer. (ii) Publicity Investigator. (iii) Superintendent. (iv) Selection Grade Technical Investigator. (v) Technical Investigator. (vi) Economic Investigator. (vii) Costing Investigator. (viii) Enforcement Inspector (Tech.). (ix) Enforcement Inspector (Non-Tech.). (x) Expert Weaver. (xi) Senior Hindi Translator. (xii) Reporter. (xiii) Stenographer (Grade I).	Joint Textile Commissioner/ Additional Textile Commissioner.	All	Textile Commissioner.
II.	All remaining Group 'C' Posts.	Director/Senior Enforcement Officer/ Deputy Director/ Head of Office in Powerloom Service Centres/Regional Offices.	All	Joint Textile Commissioner/Additional Textile Commissioner."

- (2) In Part III, for the heading "Part III-General Central Services, Class IV", the heading "Part III-General Central Services, Group 'D'" shall be substituted, and in Part III as so amended, for S.No.4 and the entries relating thereto, the following S.No. and entries shall be substituted, namely:—

(1)	(2)	(3)	(4)	(5)
"4. Organisation of Textile Commissioner :				
All posts.	Director/Senior Enforcement Officer/ Deputy Director/ Head of Office in Powerloom Service Centres/Regional Offices.	Director/Senior Enforcement Officer/ Deputy Director/ Head of Office in Powerloom Service Centres/Regional Offices.	All	Joint Textile Commissioner/Additional Textile Commissioner."

*S.O. 20 dated 21-12-1973.

S.O. 516 dated 6-2-1978.

नई दिल्ली, 16 फरवरी, 1985		(1)	(2)
का. आ. 647.—केन्द्रीय सरकार, संरचित अवधारक का नियांति (व्यावरिती नियंत्रण और निरीक्षण) नियम, 1983 के नियम 7 के अनुसर जैसे नीचे दी गई सारणी के संगम (2) में वर्णित व्यक्तियों को उसके स्थान (1) में नस्तेबंधी प्रतिविट्ठियों में वर्णित नियांति निरीक्षण अभिकरण के विविधतय के लिए उक्त नियमों के अधीन अधीनों की सुनवाई के प्रयोजनों के लिए विशेषज्ञों के पैनल के रूप में नियुक्त करती है:			
परन्तु जहाँ उक्त पैनल का कोई भी सवास्य किसी अधीन की विषय वस्तु में वैयक्तिक रूप से हितवश है, तो वह उस अधीन से संबंधित कार्य-शाहियों में भाग नहीं ले गा।			
सारणी			
प्राधिकरण, जिसके विविधतय व्यक्ति जिनसे विशेषज्ञों के पैनल का, जिसमें, के विद्युत अधीन की जा सकती अरीन की जा सकती गठन होगा।			
(1)	(2)		
1. नियांति निरीक्षण अभिकरण कलकत्ता, कलकत्ता थे	1. श्री श्री. आर. राजगरिहा, मैसर्स गणपतराय प्राइवेट लिमिटेड, 2, प्रिटोरिया स्ट्रीट, कलकत्ता-700071	अध्यक्ष	
	2. श्री पी. डी. खप्पा, मैसर्स पीकॉइलैक्ट्रोमिक्स (प्रा.) लिमिटेड, 233/5, आचार्या जे. सी. बोस रोड, कलकत्ता-700020	सवास्य	
	3. श्री ओ. पी. राजगरिहा, मैसर्स हैंड चंद राजगरिहा एंड संग प्राइवेट लिमिटेड, 5-4 हंगरफोर्ड स्ट्रीट, कलकत्ता-700017	सवास्य	
	4. श्री राजेंद्र कुमार राजगरिहा, मैसर्स यानाइट इंडिया मिनरल लिमिटेड, 13, हो-चो-मित सारनो, कलकत्ता-700071.	सवास्य	
	5. उपनिदेशक, (नियांति संबंधीन) पदेन, आयात नियांति के संयुक्त मुद्र्य नियांति का कार्यालय, 4 तथा 5 ईस्प्लेनोवे ईस्ट, कलकत्ता-700001	सवास्य	
	6. संयुक्त निदेशक, पदेन, नियांति निरीक्षण अभिकरण कलकत्ता, 14/1 श्री. एजरा स्ट्रीट, कलकत्ता-700001	सदस्य-संघीजक	
2. नियांति निरीक्षण अभिकरण कलकत्ता, गिरीढ़ीह तथा काश्मीरमा में।	1. मुख्य प्रबंधक, कलकत्ता, पदेन, माइक्रो ट्रॉफिंग कार्पोरेशन आफ इंडिया लिमिटेड, पोस्ट ऑफिस गिरीढ़ीह, गिरीढ़ीह	अध्यक्ष	
	2. श्री अशोक कुमार गैन, मैसर्स जयमाइक्रो स्प्लाई कार्पोरेशन (प्रा.) लिमिटेड, गिरीढ़ीह		सदस्य
	3. श्री अजय कुमार अप्रवाल, मैसर्स हिंदुस्तान प्रोडक्ट्स लिमिटेड, पोस्ट ऑफिस गिरीढ़ीह, गिरीढ़ीह		सदस्य
	4. श्री के. एम. बाढ़का, मैसर्स केदारनाथ, रामगोपाल, पोस्ट ऑफिस मुमरो तलौता, जिला हजारी बाग, बिहार		सदस्य
	5. श्री पी. आर. पिनानिया, मैसर्स ईंटरनेशनल राजगरिहा एंड संस प्राइवेट, लिमिटेड, पोस्ट ऑफिस घुमरी नलौता, जिला हजारी बाग बिहार		सदस्य
	6. उपनिदेशक, पदेन, नियांति निरीक्षण अभिकरण— कलकत्ता, उपकार्यालय : कोडरमा, बिहार		सदस्य
	7. उपनिदेशक, पदेन, नियांति निरीक्षण अभिकरण-कलकत्ता उपकार्यालय : गिरीढ़ीह, पोस्ट ऑफिस : गिरीढ़ीह, बिहार		सदस्य-संघीजक
	3. नियांति निरीक्षण अभिकरण—मद्रास,		
	1. श्री ए. श्यामसुदर रेडी, पार्टनर, मैसर्स यूनिवर्सल इंटरप्राइज़, पोस्ट बाक्स नं. 30 गुडू-524101 (एनएलआर) आध्र प्रदेश		अध्यक्ष
	2. श्री पी. नाथ कुमार रेडी, मैनेजिंग पार्टनर, मैसर्स काटिनेटल आइनेशिक्स, गुडू-524101 (एनएलआर) आध्र प्रदेश		
	3. श्री. डी. रेडी, मैनेजिंग डाइरेक्टर, मैसर्स रिवापी माइक्रो कंपनी, गुडू-524101 (एनएलआर) आध्र प्रदेश		सदस्य
	4. श्री सी. मुरेश रेडी मैनेजिंग पार्टनर, मैसर्स माइक्रोफोन फैब्रिकेटर्स एंड एक्सपोर्ट आफ माइक्रो इंस्ट्रुमेंट्स, गुडू-524101 (एनएलआर) आध्र प्रदेश		सदस्य

(1)	(2)	(1)	(2)
5. श्री. जी. बो. कृष्ण मोहन राय, मैसेजर, भैसरी राष्ट्र इंसुलेटिंग कंपनी (पा.) लिमिटेड, गोपिनेन्द्रपुरम्, गुड्हू-524101 (एन एलआर) आध प्रदेश	सरस्वती	5. The Deputy Director, (Export Promotion), Ex-officio, office of the Joint Chief Controller of Imports & Ex- port, 4 & 5, Esplanade East, Calcutta-700001..Member	
6. श्री एन. बी. कृष्णहा, उपप्रबंधक माइका ट्रेडिंग कॉर्पोरेशन ऑफ इंडिया लिमिटेड, गुड्हू-524101, मैलीर जिला, आध प्रदेश	सरस्वती	6. The Joint Director, Ex-officio Export Inspection Agency Calcutta, 14/1B, Ezra Street, Calcutta-700001..Convenor	
7. उपनिदेशक, नियंत्रितनीकृण अभिकरण,—] मध्रास, 213, रोयामैठा हाईरोड, मध्रास-600018	सरस्वती-संयोजक	2. Export Inspection Agency Calcutta, at Giridih and Kodarma.	1. The Chief Manager, Ex-officio, The Mica Trading Cor- poration of India Limited, P.O. Giridih, Bihar..Chairman

पैनल का गणपूर्ति तोन से होगा।

[का. सं. 6(11)/81-ई आई एंड ईपी]
एन. एम. हरिहरन, निवेशक

New Delhi, the 16th February, 1985

S.O. 647.—In pursuance of rule 7 of the Export of Fabricated Mica (Quality Control and Inspection) Rules, 1983, the Central Government hereby appoints the persons mentioned in column (2) of the Table given below as the panel of experts for the purpose of hearing appeals under the said rules, against the decision of the Export Inspection Agencies mentioned in column (1) thereof;

Provided that where a member of any of the said panels is personally interested in the subject matter of any appeal, he shall not take part in the proceedings relating to that appeal,

TABLE

Authority Against Whose Decision Appeal Lies	Persons Constituting the Panel of Experts to which Appeal Lies
--	--

(1)	(2)
1. Export Inspection Agency Calcutta, at Calcutta.	1. Shri D.R. Rajgarhis, M/s. Gunpatry Pvt. Ltd., 2, Pretoria Street, Calcutta-700001..Chairman 2. Shri P.D. Khanna M/s. Peak Electronics (P) Limited, 233/5, Acharya J.C. Boss Road, Calcutta-700020..Member 3. Shri O.P. Rajgarhia, M/s. Inderchand Rajgarhia & Sons Pvt. Ltd., 5, Hungerford Street, Calcutta-700017..Member 4. Shri Rajendra Kr. Rajgarhia, M/s. United India Minerals Ltd. 13, Ho-Chi-Min Street, Calcutta-700071..Member
	3. Export Inspection Agency Madras
	3. The Deputy Director, Ex-Officio, Export Inspection Agency Calcutta, Sub-office: Giridih, P.O. Giridih, Bihar..Member Convener
	1. Shri A. Shyamasundara Reddy, Partner, M/s. Universal Enterprises, Post Box No. 30, Gudur-524101(NLR) A.P. ..Chairman

(1)	(2)
2.	Shri P. Sanath Kumar Reddy, Managing Partner, M/s. Containental Dielectics, Gudur-524101(NLR)A.P. . Member
3.	Shri G.D. Reddy, Managing Director M/s. Revathi Mica Company, Gudur-524101 (NLR) A.P. . Member
4.	Shri C. Suresh Reddy, Managing Partner, M/s. Micafab, Fabricators & Exporters of Mica Insulators Gudur-524101 (NLR) A.P. . Member
5.	Shri G.V. Krishna Mohan Rao, Managar, M/s. Rao Insulating Co. (P) Ltd., Goginenipuram, Gudur-524101 (NLR) A.P. . Member
6.	Shri N.V. Krishniah, Deputy Manager, Mica Trading Corporation, of India Limited, Nellore Distt. A.P...Member
7.	Deputy Director, Export Inspection Agency Madras, 213, Royepettah High Road, Madras-600018.. Member Convener

2. The quorum of the panel shall be three.

[F.No. 6(11)/81-EL&EP]
N.S. HARIHARAN, Director

(मुख्य नियंत्रक, आयात-नियात का कार्यालय)

नई दिल्ली, 1 फरवरी, 1985

आदेश

का. आ. 648.—मैसेज भारत हीवी इलेक्ट्रिकल्स लि./
टी पी जी (सी), नई दिल्ली को मुक्त विदेशी मुद्रा के अन्तर्गत
सलंगन मूची के अनुसार 300 भीड़िक टन क्षमता के हीवी
हृष्टी पुले ब्लाक 15 शेव के आयात के लिए 29,95,800/-रुपए
(उन्नतीस लाख पचासवें हजार और आठ सौ रुपए. मात्र)
का एक आयात ला. सं. आई/सी जी/2041049 दिनांक
27-10-1984 दिया गया था।

फर्म ने ऊपर उल्लिखित लाइसेंस की अनुलिपि प्रति जारी
करने के लिए इस आधार पर आवेदन किया है कि लाइसेंस
की मूल प्रति खो गई या अस्थानस्थ हो गई है। आगे यह भी
बताया गया है कि लाइसेंस किसी भी सीमा पूर्ण प्राधिकारी
के पास पंजीकृत नहीं कराया गया था और इस प्रकार आयात
लाइसेंस के मूल्य का बिल्कुल भी उपयोग नहीं किया गया था।

2. अपने तर्क के समर्थन में, लाइसेंसधारी ने नोटरी
पब्लिक दिल्ली के सम्मुख विधिवत शपथ लेकर स्टाम्प कागज
पर एक शपथ पत्र वाखिल किया है। मैं, तदनुसार, संतुष्ट हूं
कि मूल आयात लाइसेंस सं. आई/सी जी/2041049,
दिनांक 27-10-1984 फर्म द्वारा खो गया या अस्थानस्थ हो
गया है। यथासंभित आयात नियंत्रण आदेश 1955 दिनांक
7-12-1955 की उपधारा 9 (सी बी) के अंतर्गत प्रदत्त
अधिकारों का प्रयोग करते हुए मैसेज भारत हीवी इलेक्ट्रिकल्स
लि., नई दिल्ली को जारी किए गए उपर्युक्त मूल आयात
लाइसेंस सं. आई/सी जी/2041049 दिनांक 27-10-1984 को
एतद्वारा रद्द किया जाता है।

3. उपर्युक्त लाइसेंस की अनुलिपि प्रति पार्टी को अलग से
जारी की जा रही है।

[सं. सी जी 2/एच 1 (11)/84-85/868]
पाल बेक, उपमुख्य नियंत्रक,
आयात-नियात

(Office of the Chief Controller of Imports & Exports)

New Delhi, the 1st February, 1985

ORDER

S.O. 648.—M/s. Bharat Heavy Electricals Ltd./TPG-(C), New Delhi were granted an Import Licence No. I/CG/2041049 dated 27-10-84 for Rs. 29,95,800 (Rupees Twenty nine lakhs ninety five thousand and eight hundred only) for import of Heavy Duty Pulley Block 15 Shave 300 MT capacity as per list attached under Free Foreign Exchange.

The firm has applied for issue of Duplicate copy of the above mentioned licence on the ground that the original copy of licence has been lost or misplaced. It has further been stated that the licence was not registered with any Customs Authority and as such the value of Import Licence has not been utilised at all.

2. In support of their contention, the licensee has filed an affidavit on stamped paper duly sworn in before a Notary Public, Delhi. I am accordingly satisfied that the original Import Licence No. I/CG/2041049 dated 27-10-84 has been lost or misplaced by the firm. In exercise of the powers conferred under sub-clause 9(cc) of the Import Control Order, 1955 dated 7-12-1955 as amended the said original Import Licence No. I/CG/2041049 dated 27-10-84 issued to M/s. Bharat Heavy Electricals Ltd. New Delhi is hereby cancelled.

3. A duplicate copy of the said licence is being issued to the party separately.

[No. CGII/HI(11)/84-85/868]
PAUL BECK, Dy. Chief Controller of Imports & Exports.

पेट्रोलियम मन्त्रालय

नई दिल्ली, 21 जनवरी, 1985

का. आ. 649.—भ. रत सरकार में ऊर्जा मन्त्र लय
(पेट्रोलियम विभाग) के दिनांक 15 मितम्बर 1983 की अधिसूचना संख्या 3689 में आंशिक रूप से संशोधन करते हुए
तेल उद्योग (विकास) अधिनियम 1974 (1974 का 47) की धारा 3 की उपधारा (4) और धारा (3) की
की उपधारा 3 के खण्ड (ग) द्वारा प्रदत्त शर्करातयों का
प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा तत्काल प्रभावी

तारीख से ३ बर्षों से अनधिक प्रबंधि के सिए तेल उद्योग विकास बोर्ड में निम्नलिखित नियुक्तियाँ करती है अर्थात् :—

1. श्री नवल किशोर शर्मा अध्यक्ष पेट्रोलियम मंत्रालय के (श्री पी. शिव शंकर के स्थान पर) राज्य मंत्री (स्वतंत्र प्रभार)।
2. श्री के. के. मल्होत्रा सचिव निदेशक, इंडियन आयल कार्पोरेशन लिं., (रिफाईनरीज एवं पाइपलाईन्स) नियुक्ति की गई है।

[सं. 7/10/82 विरत II]
म. कुमारस्वामी, निदेशक

MINISTRY OF PETROLEUM

New Delhi, the 21st January, 1985

S.O. 649.—In partial modification of the Government of India in the Ministry of Energy (Department of Petroleum), notification No. 3689 dated the 15th September, 1983, and in exercise of the powers conferred by sub-section (4) of section 3, and clause (c) of sub-section (3) of section 3 of the Oil Industry (Development) Act, 1974 (47 of 1974), the Central Government hereby makes, with immediate effect and for a period not exceeding two years, the following appointments to the Oil Industry Development Board, namely :—

1. Shri Nawal Kishore Sharma Minister of State (Independent charge) of the Ministry of Petroleum.	Chairman (Vice Shri P. Shiv Shankar)
2. Shri K.K. Malhotra, Director, Indian Oil Corporation Limited, (Refineries & Pipelines)	Member (appointed to represent Corporations, vice Shri T.K. Sinha)

[No. 7/10/82-Fin. II]
M. Kumara Swami Director

नई दिल्ली, 28 जनवरी, 1985

का० आ० 650:—पेट्रोलियम एवं खनिज पाइपलाईन (भूमि में उपयोग के अधिकार का वर्जन (अधिनियम 1962) (1962 का 50) के खण्ड 2 की धारा (क) के अनुसरण में केन्द्रीय सरकार एवं द्वारा भारत सरकार, ऊर्जा मंत्रालय (पेट्रोलियम विभाग) की अधिसूचना का आ. सं. 2760 दिनांक 17 जून में निम्नलिखित संशोधन करती है अर्थात् :—

उपरोक्त अधिसूचना में नीचे दी गई अनुसूची में क्रम संख्या 1 और 2 में कालम 1 तथा 2 में दी गई प्रविष्ट के स्थान पर निम्नलिखित प्रविष्ट पढ़ो जाएं अर्थात् सम्पर्क “अधिकारी, तेल एवं प्राकृतिक गैस आयोग बास्ते अफशोर प्रोजेक्ट 2/3 मंजिल वहीं, पी. भवन, लाल इरवाजा, सूरत”

[सं. O-12017/2/82-प्रोड]
पी. के. राजगोपालन, डेस्क अधिकारी

New Delhi, the 28th January, 1985

S.O. 650.—In pursuance of clause (a) of section 2 of the Petroleum & Minerals Pipelines (Acquisition of Right of Users in Land) Act, 1962 (50 of 1962), the Central Government hereby makes the following amendment to the notification of the Government of India in the Ministry of Energy (Department of Petroleum) S.O. No. 2769 dated 17th June, 1983 namely :—

“In the schedule below the said notification, in serial Nos. 1 and 2 for the entry in the columns 1 and 2, the following entry shall be substituted, namely :—

“Liaison Officer, Oil & Natural Gas Commission, Bombay Off Shore Project, 2/3rd Floor, V.P. Bhavan, Lal Darwaja, Surat.”

[No. O-12017/2/82-PROD]
P.K. RAJAGOPALAN, Desk Officer
Ministry of Petroleum

नई दिल्ली, 6 फरवरी, 1985

का० आ० 651.—यह केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहित में यह आवश्यक है कि गुजरात राज्य में हजारों से बरेली से जगदीशपुर तक पेट्रोलियम के परिवहन के लिये पाइपलाईन भारतीय गैस प्राधिकरण लि० द्वारा बिलाई जानी चाहिए।

और यह कि यह प्रतीत होता है कि ऐसी लाईनों को बिछाने के प्रयोजन के लिये एटड्यूपाबद्ध अनुसूची में वर्णित भूमि में उपयोग का अधिकार अर्जित करना आवश्यक है।

अतः अब पेट्रोलियम और खनिज पाइपलाईन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार ने उसमें उपयोग का अधिकार अर्जित करने का अपना आशय एतद्वारा प्रोषित किया है।

बास्ते कि उक्त भूमि में हिंसबद्ध कोई व्यक्ति, उस भूमि के नीचे पाइप लाइन के लिए आक्षेप सक्षम प्राधिकारी, भारतीय गैस प्राधिकरण लि०, निर्माण और देखभाल प्रभाग, मकरपुरा रोड, बडोदरा-9 को इस अधिसूचना की तारीख से 21 दिनों के भीतर कर सकेगा।

और ऐसा आक्षेप करने वाला हर व्यक्ति विनिर्दिष्ट है कि उस भूमि के नीचे पाइप लाइन के लिए आक्षेप सक्षम प्राधिकारी, भारतीय गैस प्राधिकरण लि०, निर्माण और देखभाल प्रभाग, मकरपुरा रोड, बडोदरा-9 को इस अधिसूचना की तारीख से 21 दिनों के भीतर कर सकेगा।

अनुसूची

हजारों से बरेली से जगदीशपुर तक पाइपलाईन बिछाने के लिए।

राज्य: गुजरात जिला—पंचमहल तालुका—दाहोद	गांव	सर्वे नं.	हेक्टर	आर	सेन्टीयर
	कहला	135/ए		1	47 00
		50/1		0	40 32
		207		0	04 8.0
		40		0	39 68
		39		0	46 17

1	2	3	4	5
43		0	54	00
198		0	37	18
45		0	38	00
211		0	04	86
212		0	30	60
221		0	01	72

[सं. ओ-14016/45/85-जी. पी.]

New Delhi, the 6th February, 1985

S.O. 651.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of petroleum from Hajira-Bareilly to Jagdishpur in Gujarat State pipeline should be laid by the Oil & Natural Gas Commission;

And, whereas, it appears that for the purpose of laying such pipeline, it is necessary to acquire the right of user in the land described in the schedule annexed hereto;

Now, therefore, in exercise of the powers conferred by sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in the Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Provided that any person interested in the said land may, within 21 days from the date of this notification, object to the laying of the pipeline under the land to the Competent Authority, Oil & Natural Gas Commission, Construction and Maintenance Division, Makarpura Road, Vadodara (390009).

And every person making such an objection shall also state specifically whether he wishes to be heard in person or by legal practitioner.

SCHEDULE

Pipeline from Hajira—Bareilly—Jagdishpur
State : Gujarat District : Panachamahal Taluka : Dahod

Village	Survey No.	Hectare	Acre	Centiare
1	2	3	4	5
Kathala	135/A	1	47	00
	50/1	0	40	32
	207	0	04	80
	40	0	39	68
	39	0	46	17
	43	0	54	00
	198	0	37	18
	45	0	38	00
	211	0	04	86
	212	0	30	60
	221	0	01	72

[No. O-14016/45/85-GP]

का. आ. 652.—सत: केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहित में यह आवश्यक है कि गुजरात राज्य में हजोरा से बरेली से जगदीशपुर तक पेट्रोलियम के परिवहन के लिये पाइपलाइन भारतीय गैस प्राधिकरण लि० द्वारा बिल्ड जानी चाहिए।

और, यस: यह प्रतीत होता है कि ऐसी लाईनों को बिल्डने के प्रयोजन के लिये एकदमावद अनुसूची में वर्णित भूमि में उपयोग का अधिकार अंजित करना आवश्यक है।

अतः, अब, पेट्रोलियम और बानिज पाइपलाइन (भूमि में उपयोग के अधिकार का अंजन) अधिनियम, 1962 (1962 का 50) की धारा 3 को उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार ने उसमें उपयोग का अधिकार अंजित करने का अपना आशय एतद्वारा घोषित किया है।

वर्तमान के उक्त भूमि में हितबद्ध कोई व्यक्ति, उस भूमि के नीचे पाइप लाइन बिल्डने के लिए आक्षेप सक्षम प्राधिकारी, भारतीय गैस प्राधिकरण लि०, निर्माण और देखभाल प्रभाग, मकरपुरा रोड, बडोदरा-9 को इस अधिसूचना को तारीख से 21 दिनों के भीतर कर सकेगा।

और ऐसा आक्षेप करने वाला हर व्यक्ति विनिर्दिष्टता यह भी कथन करेगा कि क्या वह यह चाहता है कि उपको सुनवाई व्यक्तिगत रूप से हो या किसी विधि व्यवसायी की माफत।

अनुसूची

हजीरा से बरेली से जगदीशपुर तक पाइपलाइन बिल्डने के लिए।

राज्य—गुजरात जिला—पंचमहल तालुका—दाहोद

गांव	सर्वे नं.	हेक्टर	आर	सेन्टीयर
भूटोडी	110		00	28
	99		01	02
	97		01	32
	90		01	23
	96		01	29
	91		00	97
	92/1		00	50

[सं. ओ-14016/46/85-जी. पी.]

S.O. 652.—Whereas, it appears to the Central Government that it is necessary in the public interest that for the transport of petroleum from Hajira-Bareilly to Jagdishpur in Gujarat State pipeline should be laid by the Oil and Natural Gas Commission;

And, whereas, it appears that for the purpose of laying such pipeline, it is necessary to acquire the right of user in the land described in the schedule annexed hereto;

Now, therefore, in exercise of the powers conferred by sub-section (1) of the Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in the Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Provided that any person interested in the said land may, within 21 days from the date of this notification, object to the laying of the pipeline under the land to the Competent Authority, Oil and Natural Gas Commission, Construction and Maintenance Division, Makarpura Road, Vadodara (390009).

And every person making such an objection shall also state specifically whether he wishes to be heard in person or by legal practitioner.

SCHEDULE

Pipeline from Hajira—Bareilly—Jagdishpur

State : Gujarat District : Panchmahal Taluka : Dahod

Village	Survey No.	Hectare	Are	Centiare	
	1	2	3	4	5
Bhutodi	101	00	28	75	
	99	01	02	20	
	97	01	32	00	
	90	01	23	00	
	96	01	29	00	
	91	00	97	50	
	92/1	00	79	50	

[No. O-14016/46/85-GP]

का. आ. 653:—यतः, केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहित में यह आवश्यक है कि मध्य-प्रदेश राज्य में हजीरा से बरेली से जगदीशपुर तक पेट्रोलियम के परिवहन के लिये पाइप लाइन भारतीय गैस प्राधिकरण लि. द्वारा बिछाई जानी चाहिये।

और, यतः, यह प्रतीत होता है कि ऐसी लाइनों को बिछाने के प्रयोजन के लिये एतदुपाद्ध अनुसूची में वर्णित भूमि में उपयोग का अधिकार अंजित करना आवश्यक है।

अतः, अब, पेट्रोलियम और खनिज पाइप लाइन (भूमि में उपयोग के अधिकार का अंजन) अधिनियम, 1962 (1962 का 50) को धारा 3 को उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार ने उसमें उपयोग का अधिकार अंजित करने का अपना आशय एतद्वारा घोषित किया है।

बशर्ते कि उक्त भूमि में हितवद्ध कोई व्यक्ति, उस भूमि के नीचे पाइप लाइन बिछाने के लिए आक्षेप सक्षम प्राधिकारी, भारतीय गैस प्राधिकरण लि., एच. बी. जे. पाइप लाइन 83 मुम्बाई नगर साबेर रोड, उज्जैन (म. प्र.) 456001 को इस अधिसूचना की तारीख से 21 दिनों के भीतर कर सकेगा।

और ऐसा आक्षेप करने वाला हर व्यक्ति विनिविष्टतः यह भी कथन करेगा कि क्या वह यह चाहता है कि उसकी सुमाराई व्यक्तिगत रूप से हो या किसी विधि व्यवसायी की मार्फत।

एच. बी. जे. गैस पाइप लाइन प्रोजेक्ट

ग्राम: भण्डेडी तहसील: शाजापुर जिला: शाजापुर राज्य (मध्य प्रदेश)

अनुसूची

अनु. क्र. 1 खसरानं. 1 उपयोग अधिकार अंजन का लेव (हेक्टर में)

1	2	3
1. 266/1		0.030
2. 632		0.082

	1	2	3
	3. 659/1		0.376
	4. 591		0.031
	5. 571		0.291
	6. 572		0.021
	7. 581		0.005
	8. 574		0.167
	9. 593		0.010
	10. 594		—
	11. 569/7		0.219
	12. 573		0.010
	13. 582		0.115
	14. 583/1		0.125
	15. 583/2		0.021
	16. 584		0.084
	17. 587		0.073
	18. 624		0.010
	19. 625		0.010
	20. 626		0.032
	21. 627		0.052
	22. 616/1		0.157
	23. 629		0.480
	24. 616/2		0.157
	25. 614		0.271
	26. 638		0.093
	27. 639		0.042
	28. 636/3		0.105
	29. 640		0.010
	30. 642		0.125
	31. 643		0.073
	32. 657/1/2		0.345
	33. 657/1/1		0.230
	34. 628		0.010
	35. 636/2		0.031
	36. 631		0.021
	37. 580		0.021
	योग:-कुल क्षेत्रफल		3.935

[ओ. 14016/48/85--जा. पो.]

S.O. 653.—Whereas, it appears to the Central Government that it is necessary in the public interest that for the transport of petroleum from Hajira-Bareilly to Jagdishpur in Madhya Pradesh State pipeline should be laid by the Gas Authority of India Limited.

And whereas it appears that for the purpose of laying such pipeline, it is necessary to acquire the right of user in the land described in the schedule annexed hereto:

Now, therefore, in exercise of the powers conferred by sub-section (1) of the Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in the Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Provided that any person interested in the said land may, within 21 days from the date of this notification, object to the laying of the pipeline under the land to the competent Authority Gas Authority of India Limited, HBJ gas pipe line, 83, Subhash Nagar, Sanver Road, Ujjain M.P.).

And every person making such an objection shall also state specifically whether he wishes to be heard in person or by legal practitioner.

HBJ GAS PIPE LINE PROJECT

Village : Bhandedry Tehsil : Shajapur District : Shajapur

SCHEDULE

S. No.	Survey No.	Area to be Acquired for R.O.U. in Hec- tare
1	2	3
1.	266/1	0.030
2.	632	0.082
3.	659/1	0.376
4.	591	0.031
5.	571	0.291
6.	572	0.021
7.	581	0.005
8.	574	0.167
9.	593	0.010
10.	594	—
11.	569/2	0.219
12.	573	0.010
13.	582	0.115
14.	583/1	0.125
15.	583/2	0.021
16.	584	0.084
17.	587	0.073
18.	624	0.010
19.	625	0.010
20.	626	0.032
21.	627	0.052
22.	616/1	0.157
23.	629	0.480
24.	616/2	0.157
25.	614	0.271
26.	638	0.093
27.	639	0.042
28.	636/3	0.105
29.	640	0.010
30.	642	0.125
31.	643	0.073
32.	657/1/2	0.345
33.	657/1/1	0.300
34.	628	0.230
35.	636/2	0.031
36.	631	0.021
37.	580	0.021
Total Area		3.935

[O-14016/48/85-GP]

का. आ. 654:-यतः, केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहित में यह आवश्यक है कि मध्य प्रदेश राज्य में हजार से बरेली से जगदीशपुर तक पेट्रोलियम के परिवहन के लिये पाइप लाइन भारतीय गैस प्राधिकरण लि. द्वारा बिछाई जानी चाहिये।

और, यतः, यह प्रतीत होता है कि ऐसी लाईनों को बिछाने के प्रयोजन के लिये एतदुपात्रम् अनुसूची में वर्णित भूमि में उपयोग का अधिकार अर्जित करना आवश्यक है।

अतः, अब, पेट्रोलियम और खनिज पाइप लाइन (भूमि में उपयोग की अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) को धारा 3 की उपधारा (1) द्वारा प्रदत्त व्यक्तियों का प्रयोग करते हुए केन्द्रीय सरकार ने उसमें उपयोग का अधिकार अर्जित करने का अपना आवश्यक एतद्द्वारा घोषित किया है।

बास्ते कि उक्त भूमि में हितवद्ध कोई व्यक्ति, उस भूमि के नीचे पाइप लाइन बिछाने के लिए आक्षेप सक्षम प्राधिकारी, भारतीय गैस प्राधिकरण लि., एच. बी. जे., पाइप लाइन 83, सुभाष नगर सावेर रोड, उज्जैन (म. प्र.) 456001 को इस अधिसूचना की तारीख के 21 दिनों के भीतर कर सकेगा।

और ऐसा आक्षेप करने वाला हर व्यक्ति विनिर्दिष्टतः यह भी कथन करेगा कि क्या वह यह चाहता है कि उसको सुनवाई व्यक्तिगत रूप से हो या किसी विधि व्यवसायी की माफत।

एच. बी. जे. गैस पाइप लाइन प्रोजेक्ट
ग्राम : सागड़िया तहसील : शाजापुर जिला : शाजापुर
राज्य (मध्य प्रदेश)

अनुसूची

अनु. क्र.	खसरा नं.	आपायोग अधिकार अर्जन का क्षेत्र (हैक्टर्स में)
1.	283/1 मी.	0. 501
2.	283/1 मी.	1. 092
3.	276	0. 072
4.	79	0. 051
5.	77	1. 912
6.	80	0. 052
7.	113	0. 280
8.	272	0. 386
9.	273	0. 199
10.	278	0. 261
11.	114	0. 120
12.	118	0. 324
13.	115	0. 050
14.	123/286	0. 030
15.	139	0. 031
16.	111	0. 242
17.	76	0. 126
18.	274	0. 040
19.	81	0. 620
20.	61	0. 126
21.	75	0. 523
योग:- कुल क्षेत्रफल		7. 038

[ओ-14016/49/85 जी. पी.]

S.O. 654.—Whereas, it appears to the Central Government that it necessary in the public interest that for the transport of petroleum from Hajira-Bareilly to Jagdishpur in Madhya Pradesh State pipeline should be laid by the Gas Authority of India Limited.

And, whereas, it appears that for the purpose of laying such pipeline, it is necessary to acquire the right of user in the land described in the schedule annexed hereto:

Now, therefore, in exercise of the powers conferred by sub-section (1) of the Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in the Land) Act, 1962 (50 of 1962) the Central Government hereby declares its intention to acquire the right of user therein;

Provided that any person interested in the said land may, within 21 days from the date of this notification, object to the laying of the pipeline under the land to the Competent Authority Gas Authority of India Limited, HBJ gas pipe line, 83, Subash Nagar, Sanver Road, Ujjain (M.P.).

And every person making such an objection shall also state specifically whether he wishes to be heard in person or by legal practitioner.

HBJ GAS PIPE LINE PROJECT

Village : Sagadiya Tehsil : Shajapur Distt. : Shajapur

SCHEDULE

S. No.	Survey No.	Area to be Acquired for R.O.U. in Hect- are
1	2	3
1.	283/1M.	0.501
2.	283/1 M.	1.092
3.	276	0.072
4.	79	0.051
5.	77	1.912
6.	80	0.052
7.	113	0.280
8.	272	0.386
9.	273	0.199
10.	278	0.261
11.	114	0.120
12.	118	0.324
13.	115	0.050
14.	123/286	0.030
15.	139	0.031
16.	111	0.242
17.	76	0.126
18.	274	0.040
19.	81	0.620
20.	61	0.126
21.	75	0.523
Total Area		7.038

[No. O-14016/49/85-GP]

का. आ. 655 —यतः केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहित में यह आवश्यक है कि मध्य-प्रदेश राज्य में हजोरा से बरेनो से जगदीशपुर तक पेट्रोलियम के परिवहन के लिये पाइप लाइन भारतीय गैस प्राधिकरण सि. द्वारा बिछाई जानी आवश्यक है।

और, यतः, यह प्रतीत होता है कि ऐसी लाईनों को

बिछाने के प्रयोगसे के लिये एतदुपर्याप्त अनुमति में जपित भूमि में उपयोग का अधिकार अंजित करना आवश्यक है।

अतः अब, पेट्रोलियम और खनिज पाइप लाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) को धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार ने उसमें उपयोग का अधिकार अंजित करने का अपना आवश्यक एतद्वारा घोषित किया है।

बशर्ते कि उक्त भूमि में हितबद्ध कोई व्यक्ति, उस भूमि के नीचे पाइप लाइन बिछाने के लिए आधेप सक्षम प्राधिकारी, भारतीय गैस प्राधिकरण सि., एच. बी. जे. पाइप लाइन 83, सुभाष नगर, सावेर रोड, उज्जैन (म. प्र.) 456001 को इस अधिसूचना को तारीख से 21 दिनों के भीतर कर सकेगा।

और ऐसा आधेप करने वाला हर व्यक्ति विनिविष्टतः यह भी कथन करेगा कि क्या वह यह चाहता है कि उसकी सुनवाई व्यक्तिगत रूप से हो या किसी विधि व्यवसायी की माफत।

एच. बी. जे. गैस पाइप लाइन प्रोजेक्ट

प्राम : सेमली लोडा तहसील : सरंगपुर जिला : राजगढ़
राज्य (मध्य प्रदेश)

अनुमति

अनु. क्र.	बसरा नं.	उपयोग अधिकार अर्जन का क्षेत्र (हेक्टर में)
1.	681	0.190
2.	682	0.400
3.	675/2	0.100
4.	544	0.040
5.	543 1	0.470
6.	675/3	0.010
7.	537	0.120
8.	541/1	0.560
9.	540	0.005
10.	683	0.170
11.	675/1	0.110
योग:- कुल क्षेत्रफल		2.175

[ओ. / 14016/50/85-जी. पी.]

S.O. 655.—Whereas, it appears to the Central Government that it is necessary in the public interest that for the transport of petroleum from Hajira-Bareilly to Jagdishpur in Madhya Pradesh State pipeline should be laid by the Gas Authority of India Limited.

And, whereas, it appears that for the purpose of laying such pipeline it is necessary to acquire the right of user in the land described in the schedule annexed hereto:

Now, therefore, in exercise of the powers conferred by sub-section (1) of the Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in the Land) Act, 1962 (50 of 1962) the Central Government

hereby declares its intention to acquire the right of user therein;

Provided that any person interested in the said land may, within 21 days from the date of this notification, object to the laying of the pipeline under the land to the competent Authority Gas Authority of India Limited, HBJ gas pipe line, 83, Subash Nagar, Sanver Road, Ujjain (M.P.).

And every person making such an objection shall also state specifically whether he wishes to be heard in person or by legal practitioner.

HBJ GAS PIPE LINE PROJECT

Village : Semali Loda : Tehsil : Sarangpur Distt. : Rajgarh

SCHEDULE

S. No.	Survey No.	Area to be Acquired for R.O.U. in Hectare
1	2	3
1.	681	0.190
2.	682	0.400
3.	675/2	0.100
4.	544	0.040
5.	543	0.470
6.	675/3	0.010
7.	537	0.120
8.	541/1	0.560
9.	540	0.005
10.	683	0.170
11.	675/1	0.110
Total Area		2.175

[No. O-14016/50/85-GP]

का. आ. 656 :—यतः केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहित में यह आवश्यक है कि मध्य प्रदेश राज्य में हज़ीरा से जगदीणपुर तक पेट्रोलियम के परिवहन के लिये पाइप लाइन भारतीय गैस प्राधिकरण लि. द्वारा बिछाई जानी चाहिये।

और यतः यह प्रतीत होता है कि ऐसी लाईनों को बिछाने के प्रयोजन के लिये एतदुपाबङ्ग अनुसूची में वर्णित भूमि में उपयोग का अधिकार अंजित करना आवश्यक है।

अतः अब पेट्रोलियम और खनिज पाइप लाइन (भूमि में उपयोग के अधिकार का अंजन) अधिनियम, 1962 (1962 का 50) की धारा 4 की उपधारा (1) द्वारा प्रदत्त घटितयों का प्रयोग करते हुए केन्द्रीय सरकार ने उसमें उपयोग का अधिकार अंजित करने का अपना आशय एतद्वारा घोषित किया है।

बशर्ते कि उक्त भूमि में हिताबङ्ग कोई व्यक्ति, उस भूमि के नीचे पाइप लाइन बिछाने के लिए आक्षेप सक्षम प्राधिकारी भारतीय गैस प्राधिकरण लि. एच. बी. जे. पाइप लाइन 83 सुभाष नगर सावेर रोड, उज्जैन ('म. प्र.) 456001 को इस अधिसूचना की तारीख से 21 दिनों के भीतर कर सकेगा।

और ऐसा आक्षेप करने वाला हर व्यक्ति विनिर्दिष्ट:

1497 G I/84—3

यह भी बाधन करेगा कि क्या वह यह चाहता है कि उसकी मुनवाई व्यक्तिगत रूप से हो या किसी व्यवायी की माफ़त एच. बी. जे. गैस पाइप लाइन प्रोजेक्ट

ग्राम मोहना तहसील शाजापुर जिला—शाजापुर राज्य (मध्य-प्रदेश)

अनुसूची

अनु. क्र. खमरा नं. उपयोग अधिकार का अंजन अंत्र (हैक्टर में)

1	2	3
1.	1456/2	0.073
2.	1614/1	1.129
3.	1617/2	0.031
4.	1615/2	0.125
5.	1620	0.042
6.	1646	0.011
7.	1796	0.052
8.	1797	0.167
9.	1798	0.052
10.	1799	0.052
11.	1800	0.627
12.	1645	0.105
13.	1610/2	0.011
14.	1647/1	0.167
15.	1609	0.082
16.	1610/1	0.021
17.	1624	0.125
18.	1628	0.026
19.	1611	0.042
20.	1610/3	0.010
21.	1612	0.042
22.	1606	0.072
23.	1608/1	—
24.	1608/2	—
25.	1648	0.031
26.	1594/2	0.010
27.	1594/3	0.010
28.	1595/2	0.042
29.	1601/1	0.021
30.	1601/2	0.042
31.	1602	0.021
32.	1559/1	0.159
33.	1566/1	0.219
34.	1566/3	0.272
35.	1568/1	0.188
36.	1569/2	0.084

1	2	3
37.	1579	0.073
38.	1580	0.103
39.	1581/1	0.031
40.	1582/1	0.146
41.	1582/2	0.146
42.	1582/3	0.146
43.	1582/4	0.053
44.	1446	0.282
45.	1448	0.073
46.	1444	0.261
47.	1433	0.502
48.	1434/1	0.180
49.	1435/2	0.031
50.	1434/2	0.366
51.	1560/1	0.345
52.	1560/2	0.142
53.	1436	0.052
54.	1399	0.272
55.	1395	0.011
56.	1396	0.052
57.	1397/1	0.146
58.	1615/1	0.084
59.	1613	0.010
60.	1583	0.010
61.	1616	0.021
62.	1617/1	0.021
63.	1569/2	0.010
64.	1590/1/1	0.031
योगः—कुल क्षेत्रफल		7.763

[सं. ओ-14016/51/85—जी. पी.]

S.O. 656.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of petroleum from Hajira-Bareilly to Jagdishpur in Madhya Pradesh State pipeline should be laid by the Gas Authority of India Limited.

And whereas it appears that for the purpose of laying such pipeline, it is necessary to acquire the right of user in the land described in the schedule annexed hereto:

Now, therefore, in exercise of the powers conferred by sub-section (1) of the Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in the Land) Act, 1962 (50 of 1962) the Central Government hereby declares its intention to acquire the right of user therein;

Provided that any person interested in the said land may, within 21 days from the date of this notification object to the laying of the pipeline under the land to the competent Authority Gas Authority of India Limited, HBJ gas pipe line, 83, Subhash Nagar, Sanver Road, Ujjain (M.P.).

And every person making such an objection shall also state specifically whether he wishes to be heard in person or by legal practitioner.

HBJ GAS PIPE LINE PROJECT

Village : Mohana Tehsil : Shajapur Distt. : Shajapur

SCHEDULE

S. No.	Survey No.	Area to be Acquired for R.O.U. in Hec- tare
		1
1.	1456/2	0.073
2.	1614/1	1.129
3.	1617/2	0.031
4.	1615/2	0.123
5.	1620	0.042
6.	1646	0.011
7.	1796	0.052
8.	1797	0.167
9.	1798	0.052
10.	1799	0.052
11.	1800	0.627
12.	1645	0.105
13.	1610/2	0.011
14.	1647/1	0.167
15.	1609	0.082
16.	1610/1	0.021
17.	1624	0.125
18.	1628	0.026
19.	1611	0.042
20.	1610/3	0.010
21.	1612	0.042
22.	1606	0.072
23.	1608/1	—
24.	1608/2	—
25.	1648	0.031
26.	1594/2	0.010
27.	1594/3	0.010
28.	1595/2	0.042
29.	1601/1	0.021
30.	1601/2	0.042
31.	1602	0.021
32.	1559/1	0.159
33.	1566/1	0.219
34.	1566/2	0.272
35.	1568/1	0.188
36.	1568/2	0.084
37.	1579	0.083
38.	1580	0.103
39.	1581/1	0.031
40.	1582/1	0.146
41.	1582/2	0.146
42.	1582/3	0.146
43.	1582/4	0.053
44.	1446	0.028
45.	1448	0.073
46.	1444	0.261
47.	1433	0.502
48.	1434/1	0.180
49.	1435/2	0.031
50.	1434/2	0.366
51.	1560/1	0.345
52.	1560/2	0.142
53.	1436	0.052
54.	1399	0.272
55.	1395	0.011
56.	1396	0.052

1	2	3
57.	1397/1	0.146
58.	1615/1	0.084
59.	1613	0.010
60.	1583	0.010
61.	1616	0.021
62.	1617/1	0.021
63.	1569/2	0.010
64.	1590/1/1	0.031
Total Area		7.763

[No. O-14016/51/85-GP]

का. आ. 657.—यतः केन्द्रीय सरकार को यह प्रतीत होता है कि सोकहित में यह आवश्यक है कि मध्य प्रदेश राज्य में हजार से बरेली—जगदीशपुर तक पेट्रोलियम के परिवहन के लिये पाईप लाईन भारतीय गैस प्राधिकरण द्वारा बिछाई जानी चाहिये।

और यतः यह प्रतीत होता है कि ऐसी लाईनों को बिछाने के प्रयोग के लिये एतदुपावद्वा अनुसूची में वर्णित भूमि में उपयोग का अधिकार अर्जित करना आवश्यक है।

अतः अब पेट्रोलियम और खनिज पाईप लाईन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) को धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार ने उसमें उपयोग का अधिकार अर्जित करने का अपना आप्य एतद्वारा घोषित किया है।

बासर्ते कि उक्त भूमि में हितबद्ध कोई व्यक्ति, उस भूमि के नीचे पाईप लाईन बिछाने के लिए आक्षेप सक्षम प्राधिकारी भारतीय गैस प्राधिकरण द्वारा विनियमित व्यक्तिगत रूप से हो या किसी विधि व्यवसायी की साफत।

और ऐसा आक्षेप करने वाला हर व्यक्ति विनियिष्टः यह भी कथन करेगा कि क्या वह यह चाहता है कि उसकी सुनवाई व्यक्तिगत रूप से हो या किसी विधि व्यवसायी की साफत।

एच० बी० जे० गैस पाईप लाईन प्रोजेक्ट
ग्राम घाटाखेड़ी तहसील सारंगपुर जिला राजगढ़ राज्य
(मध्य प्रदेश)

अनुसूची

अनु. क्र० खसरा नं. उपयोग अधिकार अर्जन का
क्षेत्र (हैक्टर्स में)

1	2	3
1.	1	0.050
2.	39	0.030

1	2	3
3.	10	0.020
4.	15	0.260
5.	2	0.360
6.	3	0.350
7.	4	0.170
8.	16	0.030

योग : कुल क्षेत्रफल 1.270

[स०ओ०-१४०१६/५२/८५ जी०पी०]

S.O. 657.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of petroleum from Hajira-Barily to Jagdishpur in Madhya Pradesh State pipeline should be laid by the Gas Authority of India Limited.

And whereas it appears that for the purpose of laying such pipeline, it is necessary to acquire the right of user in the land described in the schedule annexed hereto;

Now Therefore, in exercise of the powers conferred by sub-section (1) of the Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in the Land) Act, 1962 (50 of 1962) the Central Government hereby declares its intention to acquire the right of user therein;

Provided that any person interested in the said land may, within 21 days from the date of this notification, object to the laying of the pipeline under the land to the competent Authority Gas Authority of India Ltd., HBJ gas pipeline, 83 Subash Nagar, Sanver Road, Ujjain (M.P.).

And every person making such an objection shall also state specifically whether he wishes to be heard in person or by legal practitioner.

HBJ GAS PIPELINE PROJECT

Village : Ghatakhedi Tehsil : Sarngapur Distt. : Rajgarh (M.P.)

SCHEDULE

S. No.	Survey No.	Area to be Acquired for R.O.U. in Hectare
1	2	3
1.	1	0.050
2.	39	0.030
3.	10	0.020
4.	15	0.260
5.	2	0.360
6.	3	0.350
7.	4	0.170
8.	16	0.030
Total Area		1.270

[No. O-14016/52/85-GP]

का. आ. 658.—यतः केन्द्रीय सरकार को यह प्रतीत होता है कि सोकहित में यह आवश्यक है कि मध्य प्रदेश राज्य में हजार से बरेली—जगदीशपुर तक पेट्रोलियम के परिवहन के लिये पाईप लाईन भारतीय गैस प्राधिकरण द्वारा बिछाई जानी चाहिये।

और यतः यह प्रतीत होता है कि ऐसी लाईनों को बिछाने के प्रयोजन के लिए एतदु पावध अनुसूची में वर्णित भूमि में उपयोग का अधिकार अंजिग करना आवश्यक है।

अतः अब पेट्रोलियम और खनिज पाइप लाईन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम 1962 (1962 का 50) को धारा 3 की उपधारा (1) द्वारा प्रदत्त अक्तियों का प्रयोग करते हुए केन्द्रीय सरकार ने उसमें उपयोग का अधिकार अंजित करने का अपना आशय एतद्वारा घोषित किया है।

बताते कि उक्त भूमि में हितबद्ध कोई व्यक्ति उस भूमि के नीचे पाइप लाईन बिछाने के लिए आक्षेप सक्षम प्राधिकारी भारतीय गैस प्राधिकरण लि० एच.बी.जे.पा॒ पाइप लाईन 83 मुभाष नगर, सावेर रोड, उज्जैन (म० प्र०) 456001 को इस अधिसूचना की तारीख के 21 दिनों के भीतर कर सकेगा।

और ऐसा आक्षेप करने वाला हर अप्ति विनिर्दिष्टः यह भी कथन करेगा कि क्या वह यह चाहता है कि उसकी सुनवाई अप्तिगत रूप से हो या किसी विधि अवधारणी की मार्फत।

एच. बी. जे. गैस पाइप लाईन प्रोजेक्ट
ग्राम मोहकमपुरा तहसील राजगढ़ जिला राजगढ़ राज्य
(म० प्र०)
अनुसूची

अनुक्र०	खसरा नं०	उपयोग अधिकार अर्जन का क्षेत्र (हैक्टर में)
1.	20	0.050
2.	19/1	0.070
3.	19/2	0.300
4.	19/3	0.210
5.	18	0.110
6.	17	0.500
7.	15/2	0.150
8.	15/1	0.430
9.	8	0.020
10.	9/2	0.400
11.	9/1	0.050
12.	10	0.480
13.	5	0.220
14.	4	0.850
15.	3	0.100
16.	16	0.325
17.	14	0.030

योग : कुल क्षेत्रफल 4.295

[सं ओ०-14016/53/85-जी० पी०]

S.O. 658.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of petroleum from Hajira-Barilly to Jagdishpur in Madhya Pradesh State pipeline should be laid by the Gas Authority of India Limited.

And whereas it appears that for the purpose of laying such pipeline, it is necessary to acquire the right of user in the land described in the schedule annexed hereto;

Now, therefore in exercise of the powers conferred by sub-section (1) of the Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in the Land) Act, 1962 (50 of 1962) the Central Government hereby declares its intention to acquire the right of user therein;

Provided that any person interested in the said land may within 21 days from the date of this notification, object to the laying of the pipeline under the land to the competent Authority Gas Authority of India Ltd., HBJ gas pipe line, 83, Subash Nagar, Sanver Road, Ujjain (M.P.).

And every person making such an objection shall also state specifically whether he wishes to be heard in person or by legal practitioner.

HBJ GAS PIPELINE PROJECT

Village : Mohakampura Tehsil : Rajgarh Distt. : Rajgarh
SCHEDULE

S. No.	Survey No.	Area to be Acquired for R.O.U. in Hec- tares	
		1	2
1.	20		0.050
2.	19/1		0.070
3.	19/2		0.300
4.	19/3		0.210
5.	18		0.110
6.	17		0.500
7.	15/2		0.150
8.	15/1		0.430
9.	8		0.020
10.	9/2		0.400
11.	9/1		0.050
12.	10		0.480
13.	5		0.220
14.	4		0.850
15.	3		0.100
16.	16		0.325
17.	14		0.030
Total Area			4.295

[No. O-14016/53/85-GP]

का० आ० 659.—यतः केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहित में यह आवश्यक है कि मध्य प्रदेश राज्य में हजीरा से बरेली—जगदीशपुर तक पेट्रोलियम के परिवहन के लिये पाइप लाईन भारतीय गैस प्राधिकरण लि० द्वारा बिछाई जानी चाहिये।

और यतः यह प्रतीत होता है कि ऐसी लाईनों को बिछाने के प्रयोजन के लिये एतदुपावद अनुसूची में वर्णित

भूमि में उपयोग का अधिकार अर्जित करना आवश्यक है।

अतः अब पैट्रोलियम और द्वितीय पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रवत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार ने उसमें उपयोग का अधिकार अर्जित करने का अपना आशय एतद्वारा घोषित किया है।

बासर्टे कि उक्त भूमि में हितव छ कोई व्यक्ति, उस भूमि के नीचे पाइपलाइन बिछाने के लिए आक्षेप समझौता प्राधिकार, भारतीय गैस प्राधिकरण लि० एच० बी० जे० पाइप लाइन 83 सुभाष नगर सांबेर रोड, उज्जैन (म० प्र०) 456001 को इस अधिगृहन की तारीख से 21 दिनों के भीतर कर सकेगा।

और ऐसा आक्षेप करने वाला हर व्यक्ति विनिर्दिष्ट है कि उसकी सुनवाई व्यक्तिगत रूप से हो या किसी विधि व्यवसायी की मार्फत।

ऐच० बी० जे० गैस पाइपलाइन प्रोजेक्ट ग्राम चांचोड़ा तहसील चांचोड़ा जिला गुना राज्य (मध्य प्रदेश)

अनुसूची

अनु. क्र०	खसरा नं०	उपयोग अधिकार अर्जन का क्षेत्र (हैक्टर्स में)
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1	2	3
1. 435		0.209
2. 416		0.178
3. 471		0.105
4. 470		0.105
5. 466		0.679
6. 465		0.167
7. 460/1/1		0.147
8. 462/1		0.261
9. 462/3		0.314
10. 458		0.397
11. 459		0.461
12. 449		0.052
13. 545		0.063
14. 547		0.481
15. 559		0.031
16. 558		0.031
17. 557		0.502
18. 573		0.042
19. 575		0.125
20. 555		0.042
21. 556		0.125

1	2	3
22. 577		0.021
23. 578		0.042
24. 596		0.084
25. 602		0.219
26. 598		0.219
27. 576		0.230
28. 598/1698		0.157
29. 599		0.031
30. 600		0.126
31. 378		0.042
32. 1567		0.240
33. 957		0.084
34. 958		0.136
35. 959/1		0.188
36. 956		0.073
37. 930		0.188
38. 932		0.188
39. 929		0.094
40. 966		0.052
41. 1547		0.115
42. 1546		0.188
43. 1519/1		0.073
44. 1373/2		0.282
45. 1376		0.324
46. 1377		5.157
47. 1378/1		0.021
48. 1309		0.105
49. 1310		0.052
50. 1313/5 ख		0.261
51. 1314		0.105
52. 1316		0.105
53. 1320		0.105
54. 1224/2		0.439
55. 1222		0.146
56. 1226		0.167
57. 1228		0.282
58. 1231		0.366
59. 1237/1		0.010
60. 1293/1		0.021
61. 595		0.021
62. 1568/1		0.021
63. 959/2		0.084
64. 959/3		0.031
65. 959/4		0.021
66. 959/5		0.031
67. 962		0.005

1	2	3
68.	1313/5 ग	0.188
69.	1313/5 घ	0.125
70.	1313/4/1	0.031
71.	1218	0.042
72.	1219	0.094
73.	1221	0.105
74.	1225	0.052
75.	1210/2	0.063
76.	1229	0.005
77.	948	0.052
78.	1339	0.031

योग कुल क्षेत्रफल 11.257

[सं. अ०-14016/54/85-जीपी]

S.O. 659.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of petroleum from Hajira-Barily to Jagdishpur in Madhya Pradesh State pipeline should be laid by the Gas Authority of India Limited.

And whereas it appears that for the purpose of laying such pipeline, it is necessary to acquire the right of user in the land described in the schedule annexed hereto:

Now, therefore, in exercise of the powers conferred by sub-section (1) of the Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in the Land) Act, 1962 (50 of 1962) the Central Government hereby declares its intention to acquire the right of user therin;

Provided that any person interested in the said land may, within 21 days from the date of this notification, object to the laying of pipeline under the land to the Competent Authority, Gas Authority of India Limited, HBJ gas pipe line 83, Subash Nagar, Sanver Road, Ujjain (M.P.).

And every person making such an objection shall also state specifically whether he wishes to be heard in person or by legal practitioner.

HBJ GAS PIPE LINE PROJECT

Village : Chochoda Tehsil : Chachoda Distt. Guna

SCHEDULE

S. No.	Survey No.	Area to be Acquired for R.O.U. in Hec- ture
1	2	3
1.	435	0.209
2.	416	0.178
3.	471	0.105
4.	470	0.105
5.	466	0.679
6.	465	0.167
7.	460/1/1	0.147
8.	462/1	0.261
9.	462/3	0.314
10.	458	0.397
11.	459	0.461
12.	449	0.052
13.	545	0.053
14.	547	0.481
15.	559	0.031

1	2	3
16.	558	0.031
17.	557	0.502
18.	573	0.042
19.	575	0.125
20.	555	0.042
21.	556	0.125
22.	577	0.021
23.	578	0.042
24.	596	0.084
25.	602	0.219
26.	593	0.219
27.	576	0.230
28.	593/1698	0.157
29.	599	0.031
30.	600	0.126
31.	378	0.032
32.	1567	0.240
33.	957	0.084
34.	958	0.136
35.	959/1	0.188
36.	956	0.073
37.	930	0.188
38.	932	0.188
39.	929	0.094
40.	966	0.052
41.	1547	0.115
42.	1546	0.188
43.	1519/1	0.073
44.	1373/2	0.282
45.	1376	0.324
46.	1377	0.157
47.	1578/1	0.021
48.	1309	0.105
49.	1310	0.052
50.	1313/5KH	0.261
51.	1314	0.105
52.	1316	0.105
53.	1320	0.105
54.	1224/2	0.439
55.	1222	0.146
56.	1226	0.167
57.	1228	0.282
58.	1231	0.366
59.	1237/1	0.010
60.	1293/1	0.021
61.	595	0.021
62.	1568/1	0.021
63.	959/2	0.084
64.	959/3	0.031
65.	959/4	0.021
66.	959/5	0.031
67.	962	0.005
68.	1313/5 G	0.188
69.	1313/5 D	0.125
70.	1313/4/1	0.031
71.	1218	0.042
72.	1219	0.094
73.	1221	0.105
74.	1225	0.052
75.	1210/2	0.063
76.	1229	0.005
77.	948	0.052
78.	1339	0.031

Total Area 11.257

का. आ. ६६०.—यतः केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहित में यह आवश्यक है कि मध्य प्रदेश राज्य में हजारी से बरेली जगदीशपुर तक पैट्रोलियम के परिवहन के लिये पाइपलाइन भारतीय गैस प्राधिकरण लि० द्वारा बिछाई जानी चाहिये ।

और यतः यह प्रतीत होता है कि ऐसी लाइनों को बिछाने के प्रयोजन के लिये एकदुपाबद्ध अनुमति में वर्णित भूमि में उपयोग का अधिकार अर्जित करना आवश्यक है ।

अतः अब पैट्रोलियम और खनिज पाइप लाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम १९६२ (१९६२ का ५०) की धारा ३ को उपधारा (१) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार ने उसमें उपयोग का अधिकार अर्जित करने का अपना आक्रमण एतद्वारा घोषित किया है ।

बासरें कि उक्त भूमि में हितबद्ध कोई व्यक्ति, उस भूमि के नीचे पाइप लाइन बिछाने के लिए आक्षेप सक्षम प्राधिकारी भारतीय गैस प्राधिकरण लि० एच. बी. जे. पाइपलाइन ८३ मुम्भाई नगर, सावेर रोड, उज्जैन (म.प्र.) ४५६०० की इस अधिसूचना की तारीख में २१ दिनों के भीतर कर सकेगा ।

और ऐसा आक्षेप करने वाला हर व्यक्ति विनिर्दिष्टतः यह भी कथन करेगा कि क्या वह यह चाहता है कि उसकी सूनवाई व्यक्तिगत रूप से हो या किसी विधि व्यवसायी की मार्फत ।

एच. बी. जे० गैस, पाइप लाइन प्रोजेक्ट
ग्राम बरनावद तहसील शाजापुर जिला शाजापुर राज्य
(मध्य प्रदेश)

त्रुमूच्चो

अनु. क्र. १ खसरा नं. १ उपयोग अधिकार अर्जन का
क्षेत्र (हेक्टर में)

१	२	३
१. ९६३		०.०५२
२. २९८		०.०३१
३. ३३१		०.०४२
४. ३६७		०.०४२
५. ९५२/२		०.१५०
६. ९५३		०.४१८
७. ९४८		०.२९३
८. ९४९		०.१९९
९. ९४४		०.०९४
१०. ९४५		०.०३१
११. ९४६		०.०६३
१२. १३२/३		०.१५७
१३. १३२/१		०.२३०
१४. १३८/१		०.२४०
१५. १३२/५		०.०३१
१६. १३९		०.१५७

१	२	३
१७. १३२/२/६		०.०९४
१८. १३७/२		०.०२१
१९. १३८/२/३		०.०२१
२०. १३६/२		०.०२१
२१. १३७/१		०.२५१
२२. १३८/२/४		०.०७३
२३. १४०		०.०३१
२४. १६०		०.०६३
२५. १६१		०.२१९
२६. १८७		०.०३१
२७. १८८		०.३९७
२८. १५९		०.०५२
२९. १६२		०.२६१
३०. २६६		०.०३१
३१. १०९		०.१९९
३२. १६५/१		०.०३१
३३. १६८/२		०.०९४
३४. १६८/१		०.११५
३५. १८२		०.२३०
३६. ३३८		०.३४२
३७. १८४		०.०२१
३८. १८१/३		०.१२५
३९. १८०		०.०६३
४०. ३३५		०.१२५
४१. १८३		०.०७३
४२. १८१/४		०.०६३
४३. १८१/२		०.००५
४४. २७०		०.१६७
४५. ३३६		०.०८४
४६. २६९		०.१४६
४७. २६७		०.०८४
४८. २७३		०.१०५
४९. २७४		०.०२२
५०. ३०१		०.१७८
५१. ३०२		०.०४२
५२. २९९/१		०.२७२
५३. ३२९/३		०.०४२
५४. २९९/२/१/२		०.२४०
५५. २७६		०.०६३
५६. ३३०		०.०५२
५७. ३३२		०.०४२
५८. ३३४		०.१४६
५९. ३३३		०.०७३
६०. ३३७		०.१५७
६१. ३५७		०.०६३
६२. ३७२		०.१४६
६३. ३७०		०.२१९

1	2	3
64. 369/1	0.084	
65. 369/2	0.357	
66. 294	0.031	
67. 371/2	0.392	
68. 371/1	0.352	
69. 304	0.021	

योग कुल क्षेत्रफल 8.562

[सं० ओ-14016/55/85 जी० पी०]

S.O. 660.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of petroleum from Hajira-Barily to Jagdishpur in Madhya Pradesh State pipeline should be laid by the Gas Authority of India Limited.

And whereas it appears that for the purpose of laying such pipeline, it is necessary to acquire the right of user in the land described in the schedule annexed hereto:

Now, therefore, in exercise of the powers conferred by sub-section (1) of the Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in the Land) Act, 1962 (50 of 1962) the Central Government hereby declares its intention to acquire the right of user therein;

Provided that any person interested in the said land may, within 21 days from the date of this notification, object to the laying of the pipeline under the land to the Competent Authority, Gas Authority of India Limited, HBJ gas pipe line, 83, Subash Nagar, Sanver Rao Jjain (M.P.).

And every person making such an objection shall also state specifically whether he wishes to be heard in person or by legal practitioner.

HBJ GAS PIPE LINE PROJECT

Village : Barnawad Tehsil : Shajapur Distt. Shajapur

SCHEDULE

S.No.	Survey No.	Area to be Acquired for R.O.U. in Hectare	3
		1	
1. 963		0.052	
2. 298		0.031	
3. 331		0.042	
4. 367		0.042	
5. 952/2		0.150	
6. 953		0.418	
7. 948		0.293	
8. 949		0.199	
9. 944		0.094	
10. 945		0.031	
11. 946		0.063	
12. 132/3		0.157	
13. 132/1		0.230	
14. 138/1		0.240	
15. 132/5		0.031	
16. 139		0.157	
17. 132/2/6		0.094	
18. 137/2		0.021	
19. 138/2/3		0.021	
20. 136/2		0.021	

1	2	3
21. 137/1		0.251
22. 138/2/4		0.073
23. 140		0.063
24. 160		0.032
25. 161		0.219
26. 187		0.031
27. 188		0.397
28. 159		0.052
29. 162		0.261
30. 2		0.031
31. 109		0.199
32. 165/1		0.031
33. 168/2		0.094
34. 168/1		0.115
35. 182		0.230
36. 338		0.342
37. 184		0.021
38. 181/3		0.125
39. 180		0.063
40. 335		0.125
41. 183		0.073
42. 181/4		0.063
43. 181/2		0.005
44. 270		0.167
45. 336		0.084
46. 269		0.146
47. 267		0.084
48. 273		0.105
49. 274		0.022
50. 301		0.178
51. 302		0.042
52. 299/1		0.272
53. 329/3		0.042
54. 299/2/1/2		0.240
55. 276		0.063
56. 330		0.052
57. 332		0.042
58. 334		0.146
59. 333		0.073
60. 337		0.157
61. 357		0.063
62. 372		0.146
63. 370		0.219
64. 369/1		0.084
65. 369/2		0.157
66. 294		0.031
67. 371/2		0.292
68. 371/1		0.352
69. 304		0.021

Total Area 8.562

[No. O-14016/55/85-GP]

का० आ० 661.—यतः केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहिंस में यह आवश्यक है कि मध्य प्रदेश राज्य में हजीरा-बरेली-जगदीशपुर पेट्रोलियम के परिवहन के लिये पाइप लाइन भारतीय गैस प्राधिकरण द्वारा बिलाई जानी चाहिये।

और यह प्रतीत होता है कि ऐसी लाइनों को बिछाने के प्रयोजन के लिये एतदुपावद्ध अनुसूची में वर्णित भूमि में उपयोग का अधिकार अर्जित करना आवश्यक है।

अतः अब पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार ने उसमें उपयोग का अधिकार अर्जित करने का अपना आशय एतद् द्वारा घोषित किया है।

बासर्ते कि उक्त भूमि में हिन्दुबद्ध कोई व्यक्ति उस भूमि के नीचे पाइपलाइन बिछाने लिए आक्षेप सक्षम प्राधिकारी, भारतीय गैस प्राधिकरण लि० एच० बी० जे० पाइप लाइन 83, सुभाष नगर, सावेर रोड, उज्जैन (म.प्र.) 456001 को इस अधिसूचना की तारीख के 21 दिनों के भीतर कर सकेगा।

और ऐसा आक्षेप करने वाला हर व्यक्ति विनिर्दिष्टतः यह भी कथन करेगा कि क्या वह यह चाहता है कि उसकी सुनवाई व्यक्तिगत रूप से हो या किसी विधि व्यवसायी की मार्फत।

एच० बी० जे० गैस पाइप लाइन प्रोजेक्ट

ग्राम : धृतरावादा तहसील : शाजापुर, जिला : शाजापुर; राज्य (मध्य-प्रदेश)

अनुसूची

अनु. क्र.	खसरा नं.	उपयोग अधिकार अर्जन का क्षेत्र (हेक्टरों में)
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1	2	3
1. 107		0. 140
2. 109		0. 184
3. 76		0. 173
4. 110		0. 051
5. 111		0. 031
6. 100		0. 094
7. 101		0. 178
8. 85/1		0. 100
9. 86/1		0. 052
10. 86/2		0. 042
11. 71/2		0. 481
12. 69		0. 063
13. 68		0. 200
14. 57		0. 043
15. 645 ^c		0. 031
16. 646		0. 021
17. 644		0. 042
18. 643		0. 042
19. 661		0. 021
20. 56		0. 042

1	2	3
21. 48/1		0. 241
22. 616 ^c		0. 130
23. 647/2		0. 029
24. 46		0. 105
25. 40		0. 033
26. 39		0. 030
27. 611/1		0. 213
28. 37		0. 012
29. 612/1		0. 523
30. 664/1		0. 200
31. 615		0. 033
32. 642		0. 293
33. 663		0. 136
34. 662		0. 075
35. 665		0. 042
36. 90		0. 057
37. 87		0. 024
38. 88		0. 031
39. 108		0. 151
40. 38		0. 025
41. 1		0. 073
42. 617		0. 021
43. 49		0. 010
44. 48/2		0. 052
45. 55		0. 010
46. 112		0. 010
47. 51		0. 010

योग : कुल क्षेत्रफल 4.600

[स. ओ.-14016/56/85 जी० पी०]

S.O. 661.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of petroleum from Hajira-Barily to Jagdishpur in Madhya Pradesh State pipeline should be laid by the Gas Authority of India Limited.

And whereas it appears that for the purpose of laying such pipeline it is necessary to acquire the right of user in the land described in the schedule annexed hereto:

Now, therefore, in exercise of the powers conferred by sub-section (1) of the Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in the Land) Act, 1962 (50 of 1962) the Central Government hereby declares its intention to acquire the right of user therein;

Provided that any person interested in the said land may, within 2¹ days from the date of this notification object to the laying of the pipeline under the land to the Competent Authority, Gas Authority of India Limited, HBJ gas pipeline, 83, Subash Nagar, Sanver Road, Ujjain (M.P.).

And every person making such an objection shall also state specifically whether he wishes to be heard in person or by legal practitioner.

HBJ GAS PIPE LINE PROJECT

Village : Dhatrawada Tehsil : Shajapur Distt : Shajapur
SCHEDULE

S.No.	Survey No.	Area to be acquired for R.O.U. in hectare
1.	107	0.140
2.	109	0.184
3.	76	0.173
4.	110	0.051
5.	111	0.031
6.	100	0.094
7.	101	0.178
8.	85/1	0.100
9.	86/1	0.052
10.	86/2	0.042
11.	71/2	0.481
12.	69	0.063
13.	68	0.200
14.	57	0.043
15.	645	0.031
16.	646	0.021
17.	644	0.042
18.	643	0.042
19.	661	0.021
20.	56	0.042
21.	48/1	0.241
22.	616	0.130
23.	647/2	0.029
24.	46	0.105
25.	40	0.033
26.	39	0.030
27.	611/1	0.213
28.	37	0.012
29.	612/1	0.523
30.	664/1	0.200
31.	615	0.033
32.	642	0.293
33.	663	0.136
34.	662	0.075
35.	665	0.042
36.	90	0.057
37.	87	0.024
38.	88	0.031
39.	108	0.151
40.	38	0.025
41.	1	0.073
42.	617	0.021
43.	49	0.010
44.	48/2	0.052
45.	55	0.010
46.	112	0.010
47.	51	0.010
Total area :		4.600

[No. O-14016/56/85-GP]

का० आ० 662:—यतः केन्द्रीय सरकार को यह प्रतीत होता है कि सोकहित में यह आवश्यक है कि मध्यप्रदेश राज्य में हृषीरा से बरेली-जगदीशपुर तक पेट्रोलियम के परिवहन के लिये पाइपलाइन भारतीय गैस प्राधिकरण लि. द्वारा बिलाई जानी चाहिये।

और यतः यह प्रतीत होता है कि ऐसी लाईनों को बिलाने के प्रयोजन के लिये एतदुपाबद्ध अनुसूची में वर्णित भूमि में उपयोग का अधिकार अंजित करना आवश्यक है।

अतः अब पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अंजन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार ने उसमें उपयोग का अधिकार अंजित करने का अपना आवश्यकता द्वारा घोषित किया है।

बास्ते कि उक्त भूमि में हितबद्ध कोई व्यक्ति, उस भूमि के नीचे पाइपलाइन बिलाने के लिए आक्षेप सक्षम प्राधिकारी, भारतीय गैस प्राधिकरण लि०, एच० बी० जे० पाइपलाइन, 83 सुधार नगर, सावेर रोड, उज्जैन (म० प्र०) 456001 को इस अधिसूचना की तारीख से 21 दिनों के भीतर कर सकेगा।

और ऐसा आक्षेप करने वाला हर व्यक्ति विनिर्दिष्टतः यह भी कथन करेगा कि क्या वह यह जाहता है कि उसकी सुनवाई व्यक्तिगत रूप से हो या किसी विधि व्यवसायी की माफेत।

एच० बी० जे० गैस पाइपलाइन प्रोजेक्ट
प्रामः बड़ोवी, तहसील : शाजापुर, जिला : शाजापुर, राज्य (मध्य-प्रदेश)
अनुसूची

अनुक्र.	खसरा नं.	उपयोग अधिकार अंजन का क्षेत्र (हैक्टर में)
1	2	3
1.	397	0.052
2.	566/1	0.063
3.	564	0.157
4.	551/1	0.010
5.	554	0.042
6.	555	0.020
7.	627	0.199
8.	637	0.084
9.	522	0.031
10.	517/1/2	0.010
11.	517/4/2	0.031
12.	560	0.219
13.	561/1	—
14.	568/2	—
15.	557	—
16.	559/1	0.293
17.	559/2	—
18.	570	0.105
19.	567/2	0.042
20.	646	0.065

1	2	3
21.	551/2	
22.	552	0.167
23.	553/1	
24.	524/2	
25.	524/1	0.240
26.	524/3	
27.	602/1	0.125
28.	602/2	0.251
29.	518/1	0.157
30.	517/2/1	0.052
31.	517/3/1	0.042
32.	517/4/1	0.021
33.	517/5/1	0.030
34.	517/6/1	5.136
35.	523	0.010
36.	513	0.063
37.	518/3	0.125
38.	512/2	0.157
39.	599/1	0.010
40.	519/4	—
41.	511/1	0.031
42.	511/2	0.146
43.	512/1	0.020
44.	628	0.178
45.	632	0.020
46.	631	0.125
47.	553/2	0.021
48.	634/2	0.084
49.	256/1	157
50.	518/2	0.010
51.	644/2	0.042
52.	601	0.010
53.	634/1	0.199
54.	634/4	—
55.	634/3	0.178
56.	635/2	—
57.	643	0.272
58.	644/1	—
59.	633	0.082
60.	645	0.063

योग : कुल क्षेत्रफल 4.647

[सं. ओ-14016/57/85-जी० पी०]

S.O. 662.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of petroleum from Hajira-Barilly to Jagdishpur in Madhya Pradesh State pipeline should be laid by the Gas Authority of India Limited.

And whereas it appears that for the purpose of laying such pipeline it is necessary to acquire the right of user in the land described in the schedule annexed hereto :

Now, therefore, in exercise of the powers conferred by sub-section (1) of the Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in the Land) Act, 1962 (50 of 1962) the Central Government hereby declares its intention to acquire the right of user therein;

Provided that any person interested in the said land may, within 21 days from the date of this notification, object to the laying of the pipeline under the land to the Competent Authority, Gas Authority of India Limited, HBJ gas pipe line 83, Subash Nagar, Sanver Road, Ujjain (M.P.).

And every person making such an objection shall also state specifically whether he wishes to be heard in person or by legal practitioner.

HBJ GAS PIPE LINE PROJECT

Village : Badodi Tehsil : Shajapur Distt. : Shajapur
SCHEDULE

S.No.	Survey No.	Area to be acquired	
		R.O.U. in Hectare	3
1	2		
1.	397	0.052	
2.	566/1	0.063	
3.	564	0.157	
4.	551/1	0.010	
5.	554	0.042	
6.	555	0.020	
7.	627	0.199	
8.	637	0.084	
9.	522	0.031	
10.	517/1/2	0.010	
11.	517/4/2	0.031	
12.	560		
13.	561/1		0.219
14.	568/2		
15.	557		
16.	559/1		0.293
17.	559/2		
18.	570	0.105	
19.	567/2	0.042	
20.	646	0.065	
21.	551/2		
22.	552		
23.	553/1		0.167
24.	524/1		
25.	524/2		0.240
26.	524/3		
27.	602/1	0.125	
28.	602/2	0.251	
29.	518/1	0.157	
30.	517/2/1	0.052	
31.	517/3/1	0.042	
32.	517/4/1	0.021	
33.	517/5/1	0.030	
34.	517/6/1	0.136	
35.	523	0.010	
36.	513	0.063	
37.	518/3	0.125	
38.	512/2	0.157	
39.	519/1	0.010	
40.	519/4	—	
41.	511/1	0.031	
42.	511/2	0.146	
43.	512/1	0.020	
44.	628	0.178	
45.	632	0.020	
46.	631	0.125	
47.	553/2	0.021	

1	2	3
48.	634/2	0.084
49.	256/1	0.157
50.	518/2	0.010
51.	644/2	0.042
52.	601	0.010
53.	634/1	0.199
54.	634/4	—
55.	634/3	0.178
56.	635/2	—
57.	643	0.272
58.	644/1	—
59.	633	0.082
60.	645	0.063
Total Area		4.647

[No. Q-14016/57/85-GP]

का, आ. 663.—यतः केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहित में यह आवश्यक है कि मध्य-प्रदेश राज्य में हजारों से बरेली-जगदीश्वार तक पेट्रोलियम के परिवहन के लिये पाइपलाइन भारतीय गैस प्रयोक्तरण लिंगारा बिल्डर्स जानी चाहिये।

मौर यह यह प्रतीत होता है कि ऐसी लाइनों को शिलाने के प्रयोजन के लिये एतदुपादद्व अनुसूचों में वर्णित भूमि में उपयोग का अधिकार अर्जित करना आवश्यक है।

अतः अब पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 को उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार ने उसमें उपर्याग का अधिकार अर्जित करने का अनन्य आशय एतद् द्वारा घोषित किया है।

बासर्ते कि उक्त भूमि में हितबद्ध कोई व्यक्ति, उस भूमि के नीचे पाइपलाइन विभाग ने लिए आक्रो संकेत प्रधिकारी, भारतीय ईस प्रधिकारण लि., एच. बी. जे., पाइपलाइन 83 सुष्णनगर, सखेर रोड, उज्जैन (म.प्र.) 456001 को इस प्रधिकारन की तारीख से 21 दिनों के भीतर कर सकेगा।

और ऐसा आक्षेप करते वाला हर व्यक्ति विनिर्दिष्ट।
यह भी कथन करेगा कि क्या वह यह चाहता है कि उसकी
मुनवाई व्यक्तिगत रूप से हो या किसी विधि व्यवसायों की
माफ़त।

एस. बी. जे. गैस पाइपलाइन प्रोजेक्ट

प्रामः रसुज्जरा, तष्ठसोलः राजगढ़ जिल्हा: राजगढ़, राज्य (मध्य-प्रदेश)

ग्रन्थाची

अनु०क्त	संस्करण	उपयोग अधिकार अर्जन का क्षेत्र (हेक्टर में)
1	2	3
1.	115/2	0.300
2.	117	0.240
3.	118	0.120

1	2	3
4.	119	0.120
5.	120	0.100
6.	121	0.070
7.	122/1	0.030
8.	123	0.030
9.	124	0.300
10.	125	0.020
11.	129	0.250
12.	129/617	0.250
13.	130	0.270
14.	131	0.090
15.	132/1	0.015
16.	135	0.300
17.	137	0.130
18.	138	0.240
19.	457	0.090
20.	456	0.040
21.	455	0.025
22.	458	0.120
23.	469	0.065
24.	460	0.180
25.	466	0.120
26.	467	0.135
27.	468	0.075
28.	469	0.040
29.	470	0.040
30.	473	0.040
31.	479	0.090
32.	480	0.360
33.	481	0.250
34.	483	0.040
35.	486	0.040
36.	599	0.050
37.	598	0.180
38.	520	0.110
39.	482	0.030
40.	524	0.050
41.	525	0.115
42.	521	0.040
43.	530	0.300
44.	534	0.400
45.	535	0.050
46.	549	0.030
47.	550	0.540
48.	552	0.050
49.	553	0.110
50.	560	0.600

1	2	3
51.	556	0.480
52.	559	0.040
53.	557	0.050
54.	478	0.010
55.	571/1	0.090
56.	563	0.050
57.	562	0.135
58.	565	0.090
59.	514	0.030
60.	571/2	0.090
61.	533	0.020
पात्रः—कुल क्षेत्रफल		8.365

[सं. ऑ-14016/58/85-जीपो]

S.O. 663.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of petroleum from Rajnagar-Bareilly to Jagdishpur in Madhya Pradesh State pipeline should be laid by the Gas Authority of India Limited.

And whereas it appears that for the purpose of laying such pipeline, it is necessary to acquire the right of user in the land described in the schedule annexed hereto;

Now, therefore, in exercise of the powers conferred by sub-section (1) of the Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in the Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Provided that any person interested in the said land may, within 21 days from the date of this notification, object to the laying of the pipeline under the land to the Competent Authority, Gas Authority of India Limited, HBJ gas pipeline, 83, Subash Nagar, Sanver Road, Ujjain, (M.P.).

And every person making such an objection shall also state specifically whether he wishes to be heard in person or by legal practitioner.

HBJ GAS PIPE LINE PROJECT

Village : Rasulpura Tehsil : Rajgarh Distt. : Rajgarh

SCHEDULE

S. No.	Survey No.	Area to be acquired for R.O.U. in Hectare
1	2	3
1.	115/2	0.300
2.	117	0.240
3.	118	0.120
4.	119	0.120
5.	120	0.100
6.	121	0.070
7.	122/1	0.030
8.	123	0.030
9.	124	0.300
10.	125	0.020
11.	129	0.250
12.	129/617	0.250
13.	130	0.270
14.	131	0.090
15.	132/1	0.015

1	2	3
16.	135	0.300
17.	137	0.130
18.	138	0.240
19.	457	0.090
20.	456	0.040
21.	455	0.025
22.	458	0.120
23.	459	0.065
24.	460	0.180
25.	466	0.120
26.	467	0.135
27.	468	0.075
28.	469	0.040
29.	470	0.040
30.	473	0.040
31.	479	0.090
32.	480	0.260
33.	481	0.250
34.	483	0.040
35.	486	0.040
36.	599	0.050
37.	598	0.180
38.	520	0.110
39.	482	0.030
40.	524	0.050
41.	525	0.115
42.	521	0.040
43.	530	0.300
44.	534	0.400
45.	535	0.050
46.	549	0.030
47.	550	0.540
48.	552	0.050
49.	553	0.110
50.	560	0.600
51.	556	0.480
52.	559	0.040
53.	557	0.050
54.	478	0.010
55.	571/1	0.090
56.	563	0.050
57.	562	0.135
58.	565	0.090
59.	514	0.030
60.	571/2	0.090
61.	533	0.020

Total area

8.365

[No. O-14016/58/85-GP]

का. प्रा. 664.—यतः केन्द्रीय सरकार को यह प्रतीत होता है कि लोकाश्रय में यह अवश्यक है कि मध्य-प्रदेश राज्य में हजीरा से बरेली-जगदीशगुर तां पेट्रोलियम के परिवहन के लिये पाइप लाइन भारतीय गैस प्रधिकरण लि., द.रा बिल्डिंज जानो चाहिये ।

और यतः यह प्रतीत होता है कि ऐसी लाइनों को बिल्डिंग के प्रयोजन के लिये एतदपावद्ध अनुसूची गें वर्णित भूमि में उपयोग का अधिकार अर्जित करना आवश्यक है ।

यतः अब पेट्रोलियम और खनिज पाइप लाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962

का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार ने उसमें उपयोग का अधिकार अर्जित करने का अपना आशय एतद्वारा घोषित किया है।

बशर्ते कि उक्त भूमि से हितबद्ध कोई व्यक्ति, उस भूमि के नीचे पाइप लाइन बिछाने लिए आक्षेप सक्तम प्राधिकारी, भारतीय गैस प्राधिकरण लि., एच. बी. जे. पाइप लाइन 83, सुभाष नगर, सांवर रोड, उज्जैन (म.प्र.) 456001 को इस अधिसूचना की तारीख से 21 दिनों के भीतर कर सकेगा।

और ऐसा आक्षेप करने वाला हर व्यक्ति विनिर्विष्टतः यह भी कथन करेगा कि क्या वह यह चाहता है कि उसनवाई व्यक्तिगत रूप से हो या किसी विधि व्यवसायी के मार्फत।

एच. बी. जे. गैस पाइप लाइन प्रोजेक्ट
ग्राम: कुरुण्डीवे तहसील, राजगढ़ जिला--राजगढ़ राज्य (मध्य-प्रदेश)

अनुसूची

अनुक्र. नंसरानं.	उपयोग अधिकार अर्जन का क्षेत्र (हेक्टरों में)
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1. 522/2	0.360
2. 524	0.020
3. 526/1	0.090
4. 526/2	0.100
5. 526/3	0.600
योग :- कुल क्षेत्रफल	1.170

[सं.ओ 14016/59/85-जी पी]

S.O. 664.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of petroleum from Hajira-Barily to Jagdishpur in Madhya Pradesh State pipeline should be laid by the Gas Authority of India Limited.

And whereas it appears that for the purpose of laying such pipeline, it is necessary to acquire the right of user in the land described in the schedule annexed hereto;

Now, therefore, in exercise of the powers conferred by sub-section (1) of the Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in the Land) Act, 1962 (50 of 1962) the Central Government hereby declares its intention to acquire the right of user therein;

Provided that any person interested in the said land may, within 21 days from the date of this notification, object to the laying of the pipeline under the land to the Competent Authority, Gas Authority of India Limited, HBJ gas pipeline, 83, Subhash Nagar, Sanver Road, Ujjain (M.P.).

And every person making such an objection shall also state specifically whether he wishes to be heard in person or by legal practitioner.

HBJ GAS PIPE LINE PROJECT Village Kundiway Tehsil Rajgarh Distt. Rajgarh SCHEDULE

S. Survey No.	Area to be Acquired for R.O.U. in Hectare
1. 522/2	0.360
2. 524	0.020
3. 526/1	0.090
4. 526/2	0.100
5. 526/3	0.600
TOTAL AREA	1.170

[No. O-14016/59/85 GP]

का.आ. 665.—यतः केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहित में यह आवश्यक है कि मध्य प्रदेश राज्य में हजारी से बरेली-जगदीशपुर तक पेट्रोलियम के परिवहन के लिये पाइप लाइन भारतीय गैस प्राधिकरण लि. द्वारा बिछाई जानी चाहिये।

और यतः यह प्रतीत होता है कि ऐसी लाइनों को बिछाने के प्रयोजन के लिये एतद्वाबद्ध अनुसूची में वर्णित भूमि में उपयोग का अधिकार अर्जित करना आवश्यक है।

यतः अब पेट्रोलियम और खनिज पाइप लाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार ने उसमें उपयोग का अधिकार अर्जित करने का अपना आशय एतद्वारा घोषित किया है।

बशर्ते कि उक्त भूमि में हितबद्ध कोई व्यक्ति, उस भूमि के नीचे पाइप लाइन बिछाने के लिए आज्ञेर सभा म प्राधिकारी, भारतीय गैस प्राधिकरण लि., एच. बी. जे. पाइप लाइन 83, सुभाष नगर, सांवर रोड, उज्जैन (म.प्र.) 456001 को इस अधिसूचना की तारीख के 21 दिनों के भीतर कर सकेगा।

और ऐसा आक्षेप करने वाला हर व्यक्ति विनिर्विष्टतः यह भी कथन करेगा कि क्या वह यह चाहता है कि उसकी सुनवाई व्यक्तिगत रूप से हो या किसी विधि व्यवसायी की मार्फत।

एच. बी. जे. गैस पाइप लाइन प्रोजेक्ट
ग्राम: बरखेडी खुर्म, तहसील: सारंगपुर, जिला: राजगढ़,
राज्य (मध्य प्रदेश)
अनुसूची

अनुक्र. नंसरानं.	उपयोग अधिकार अर्जन का क्षेत्र (हेक्टरों में)
1. 2	3
1. 329	0.051
2. 422	0.051

1	2	3
3.	390/1	0.090
4.	369/1	0.135
5.	395/2	0.030
6.	400	0.089
7.	369/2	0.195
8.	370	0.199
9.	371	0.076
10.	382	0.013
11.	413	0.165
12.	420/3	0.100
13.	421/1	0.078
14.	380	0.165
15.	412	0.141
16.	387/1	0.172
17.	387/2	0.301
18.	395/3	0.153
19.	399	0.226
20.	398	0.023
21.	277/1	0.154
22.	390/3	0.165
23.	277/2	0.010
24.	278/1	—
25.	277/3	0.405
26.	278/2	—
27.	411	0.126
28.	414	0.270
29.	420/2	—
30.	420/1	0.010
31.	403	0.170
योग :-कुल क्षेत्रफल		3.763

[सं. अंक-14016/61/85-जी पी]

S.O. 665.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of petroleum from Hajira-Barily to Jagdishpur in Madhya Pradesh State pipeline should be laid by the Gas Authority of India Limited.

And whereas it appears that for the purpose of laying such pipeline, it is necessary to acquire the right of user in the land described in the schedule annexed hereto;

Now, therefore, in exercise of the powers conferred by sub-section (1) of the Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in the Land) Act, 1962 (50 of 1962) the Central Government hereby declares its intention to acquire the right of user therein;

Provided that any person interested in the said land may, within 21 days from the date of this notification, object to the laying of the pipeline under the land to the Competent Authority, Gas Authority of India Limited, HBJ gas pipeline, 83, Subhash Nagar, Sanver Road, Ujjain, (M.P.).

And every person making such an objection shall also state specifically whether he wishes to be heard in person or by legal practitioner.

HBJ GAS PIPELINE PROJECT
Village:Barkhedi Khurm, Tehsil. Sarangpur, Distt. Rajgarh (M.P.)

SCHEDULE

S. No.	Survey No.	Area to be Acquired for R.O.U. in Hectare
1.	329	0.051
2.	422	0.051
3.	390/1	0.090
4.	369/1	0.135
5.	395/2	0.030
6.	400	0.089
7.	369/2	0.195
8.	370	0.199
9.	371	0.076
10.	382	0.013
11.	413	0.165
12.	420/3	0.100
13.	421/1	0.078
14.	380	0.165
15.	412	0.141
16.	387/1	0.172
17.	387/2	0.301
18.	395/3	0.153
19.	399	0.226
20.	398	0.023
21.	277/1	0.154
22.	390/3	0.165
23.	277/2	0.010
24.	273/1	—
25.	277/3	0.405
26.	278/2	—
27.	411	0.126
28.	414	0.270
29.	420/2	—
30.	420/1	0.010
31.	403	0.170
TOTAL AREA		3.763

[No. O-14016/61/85-G.P.]

का. आ. 666.—यह: केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहित में यह आवश्यक है कि मध्यप्रदेश राज्य में हजारी से बरेली-जगदीशपुर तक पेट्रोलियम के परिवहन के लिये पाइप लाइन भारतीय गैस प्राधिकरण द्वारा बिछाई जानी चाहिये।

और यह: यह प्रतीत होता है कि ऐसी लाइनों को बिछाने के प्रयोजन के लिये एतदपावद्ध अनुसूची में वर्णित भूमि में उपयोग का अधिकार अंजित करना आवश्यक है।

अतः अब पेट्रोलियम और खनिज पाइप लाइन (भूमि में उपयोग के अधिकार का अंजन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रस्तृत शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार ने उसमें उपयोग का अधिकार अंजित करने का अपना आशय एतदधारा घोषित किया है।

बास्ते कि उक्त भूमि में हितबद्ध कोई व्यक्ति उस भूमि के नीचे पाइप लाइन बिछाने लिए आक्षेप सक्षम प्राधिकारी, भारतीय गैस प्राधिकारी लि., एच. बी. जे. पाइप लाइन ८३ सुभूत नगर सावर रोड उज्जैन

(म. प्र.) 456001 को इस अधिसूचना को तारीख से 21 दिनों के भीतर कर सकेगा।

और ऐसा आवेदन करने वाला हर व्यक्ति विनिर्दिष्टतः यह भी कथन करेगा कि क्या वह यह चाहता है कि उसकी सुनवाई व्यक्तिगत रूप से हो या किसी विधि व्यवसायी की माफ़त।

एच० बी० ज० गैस पाइप लाइन प्रोजेक्ट

ग्राम: किशनपुरिया, तहसील: राजगढ़, जिला: राजगढ़, राज्य: (मध्य-प्रदेश)

अनुसूची

अनुक्र. खसरानं. उपयोग अधिकार अर्जन का क्षेत्र (हेक्टर्स में)

1.	179/214	0.020
2.	179/1	0.120
3.	71	0.090
4.	177	0.300
5.	176	0.240
6.	174	0.060
7.	172	0.040
8.	178	0.020
9.	182	0.030
10.	184	0.120
11.	186	0.030
12.	183	0.080
13.	188	0.080
14.	187	0.090
15.	189/1	0.150
16.	192/3	0.120
17.	192/2	0.300
18.	193/2	0.300
19.	193/3	0.390
20.	198/2	0.120
21.	198/1	0.300
22.	194/3	0.060
23.	196	0.010
24.	163	0.100
25.	191	0.110
26.	141/1	0.010
27.	190	0.100
28.	193/1	0.060
29.	195	1.200
योग:—कुल क्षेत्रफल		4.650

[सं० ओ-14016/62/85-जी.पी.]

S.O. 666.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of petroleum from Hajira-Barily to Jagdishpur in

Madhya Pradesh State pipeline should be laid by the Gas Authority of India Limited.

And whereas it appears that for the purpose of laying such pipeline, it is necessary to acquire the right of user in the land described in the schedule annexed hereto;

Now, therefore, in exercise of the powers conferred by sub-section (1) of the Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in the Land) Act, 1962 (50 of 1962) the Central Government hereby declares its intention to acquire the right of user therein;

Provided that any person interested in the said land may, within 21 days from the date of this notification, object to the laying of the pipeline under the land to the Competent Authority, Gas Authority of India Limited, HBJ gas pipeline, 83, Subash Nagar, Sanver Road, Ujjain (M.P.).

And every person making such an objection shall also state specifically whether he wishes to be heard in person or by legal practitioner.

HBJ GAS PIPE LINE PROJECT

Village : Kishanpura, Tehsil : Rajgarh, Distt. : Rajgarh

SCHEDULE

S. Survey No. No.	Area to be Acquired for R.O.U. in Hectare
1. 179/214	0.020
2. 179/1	0.120
3. 71	0.090
4. 177	0.300
5. 176	0.240
6. 174	0.060
7. 172	0.040
8. 178	0.020
9. 182	0.030
10. 184	0.120
11. 186	0.030
12. 183	0.080
13. 188	0.080
14. 187	0.090
15. 189/1	0.150
16. 192/3	0.120
17. 192/2	0.300
18. 193/2	0.300
19. 193/3	0.390
20. 198/2	0.120
21. 198/1	0.300
22. 194/3	0.060
23. 196	0.010
24. 163	0.100
25. 191	0.110
26. 141/1	0.010
27. 190	0.100
28. 193/1	0.060
29. 195	1.200
TOTAL AREA	4.650

[No. O-14016/62/85-G.P.]

का.आ. 667.—यतः केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहित में यह आवश्यक है कि मध्य प्रदेश राज्य में हजीरा से बरेली—जगदीशपुर तक पेट्रोलियम के परिवहन के लिये पाइप लाइन भारतीय गैस प्राप्तिकरण लिंग द्वारा बिछाई जानी चाहिए।

और यतः यह प्रतीत होता है कि ऐसी लाइनों को

बिछाने के प्रयोजन के लिये एतदुपावद अनुसूची में घण्टित भूमि में उपयोग का अधिकार अंजित करना आवश्यक है।

अतः अब, पैट्रोलियम और खनिज पाइप लाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार ने उसमें उपयोग का अधिकार अंजित करने का अपना आशय एतद्वारा घोषित किया है।

बास्ते कि उक्त भूमि में हितवद्ध कोई व्यक्ति उस भूमि के नीचे पाइप लाइन बिछाने के लिए आक्षेप सक्षम प्राधिकारी, भारतीय गैस प्राधिकरण लि० एच. बी. जे. पाइप लाइन, 83 सुभाष नगर, सावेर रोड, उज्जैन (म. प्र.) 456001 को इस अधिसूचना की तारीख के 21 दिनों के भीतर कर सकेगा।

और ऐसा आक्षेप करने वाला हर व्यक्ति विनिविष्ट है कि वह भी कथन करेगा कि क्या वह यह चाहता है कि उसकी मुनबाई व्यक्तिगत रूप से हो या किसी विधि व्यवसायी की मार्केट।

एच. बी. जे. गैस पाइप लाइन प्रोजेक्ट

ग्राम: खंजरपुर तहसील: सारंगपुर जिला: राजगढ़ राज्य (मध्य प्रदेश)

अनुसूची

अनु. क्र. नं. उपयोग अधिकार अर्जन का सेत्र
(हेक्टर में)

1	2	3
1.	1/5/4	0.460
2.	26	0.020
3.	115	0.015
4.	128	0.040
5.	23	0.050
6.	107	0.059
7.	118/3	0.130
8.	133	0.240
9.	116	0.100
10.	114	0.150
11.	113/2	0.060
12.	113/1	0.002
13.	111/1	0.240
14.	8	0.010
15.	2	0.220
16.	3	0.220
17.	4	0.050
18.	5	0.050
19.	9/1	0.110
20.	10	0.340
21.	11	0.100
22.	16/1	0.220
23.	17	0.300
24.	18/2	0.190
25.	18/1	0.010
26.	22/1	0.090
27.	25	0.080
योग:- कुल क्षेत्रफल		3.556

[सं. O-14016/63/85-जी पी]

S.O. 667.—Whereas, it appears to the Central Government that it is necessary in the public interest that for the transport of petroleum from Hajira-Bariilly to Jagdishpur in Madhya Pradesh State pipeline should be laid by the Gas Authority of India Limited.

And, whereas, it appears that for the purpose of laying such pipeline, it is necessary to acquire the right of user in the land described in the schedule annexed hereto;

Now, therefore, in exercise of the powers conferred by sub-section (1) of the Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in the Land) Act, 1962 (50 of 1962) the Central Government hereby declares its intention to acquire the right of user therein;

Provided that any person interested in the said land may, within 21 days from the date of this notification, object to the laying of the pipeline under the land to the Competent Authority, Gas Authority of Ind'a Limited, HBI gas pipeline, 83, Subash Nagar, Sanver Road, Ujjain, (M.P.).

And every person making such an objection shall also state specifically whether he wishes to be heard in person or by legal practitioner.

HBI GAS PIPELINE PROJECT

Village Khanjarpur Tehsil Saragpur Distt.: Rajgarh (M.P.)

SCHEDULE

S. No.	Survey No.	Area to be Acquired for R.O.U. in Hectare
1.	1/5/4	0.460
2.	26	0.020
3.	115	0.015
4.	128	0.040
5.	23	0.050
6.	107	0.059
7.	118/3	0.130
8.	133	0.240
9.	116	0.100
10.	114	0.150
11.	113/2	0.060
12.	113/1	0.002
13.	111/1	0.240
14.	8	0.010
15.	2	0.220
16.	3	0.220
17.	4	0.050
18.	5	0.050
19.	9/1	0.110
20.	10	0.340
21.	11	0.100
22.	16/1	0.220
23.	17	0.300
24.	18/2	0.190
25.	18/1	0.010
26.	22/1	0.090
27.	25	0.080
TOTAL AREA		3.556

का. आ. 668.—यतः केन्द्रीय सरकार को यह प्रतीत होता है कि सोकलित में यह आवश्यक है कि मध्य प्रदेश राज्य में हजीरा से बरेली से जगदीशपुर तक पेट्रोलियम के परिवहन के लिये पाष्प लाइन भारतीय गैस प्राधिकरण लि. द्वारा बिछाई जानी चाहिये।

और, यतः, यह प्रतीत होता है कि ऐसी लाइनों को बिछाने के प्रयोजन के लिये एतदपावद्ध अमुसूनी में वर्णित भूमि में उपयोग का अधिकार अर्जित करना आवश्यक है।

अतः, अब, पेट्रोलियम और खनिज पाष्प लाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) को धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार ने उसमें उपयोग का अधिकार अर्जित करने का अपना आशय एतद द्वारा घोषित किया है।

बशर्ते कि उक्त भूमि में हितवद्ध कोई व्यक्तित्व उस भूमि के नीचे पाष्प लाइन बिछाने लिए आक्षेप सभम प्राधिकारी, भारतीय गैस प्राधिकरण (लि.), एवं डी. जे. पाष्प लाइन, 83, सुभाष नगर, सावेर रोड, उज्जैन (म० प्र.) 456001 को इस अधिसूचना की तारीख से 21 दिनों के भीतर कर सकेगा।

और ऐसा आक्षेप करने वाला हर व्यक्ति विनिर्दिष्टतः यह भी कथन करेगा कि क्या वह यह आहता है कि उसकी सुनवाई व्यक्तिगत रूप से हो या किसी विधि व्यवसायी की माफत।

एच. डी. जे. गैस पाइप लाईन प्रोजेक्ट

ग्राम: पठारी तहसील: भरगंपुर जिला: राजगढ़ राज्य
(मध्य प्रदेश)

प्रतिसूची

भन्. क्र. खसरानं. उपयोग अधिकार अर्जन का क्षेत्र
(हेक्टर्स में)

1	2	3
1.	290	0.126
2.	289	0.105
3.	292 में से	0.374
4.	293	0.026
5.	145	0.051
6.	294	0.028
7.	295 में से	0.253
8.	297/2 में से	0.341
9.	421/1 में से	0.025
10.	416	0.273
11.	417	0.075
12.	401	0.052
13.	388	0.126

1	2	3
14.	390	0.151
15.	391	0.006
16.	394	0.126
17.	398	0.006
18.	399	0.032
19.	386	0.022
20.	414	0.075
21.	372/1	0.040
22.	375	0.020
23.	299/4	0.022
24.	368/2	0.216
25.	402	0.093
26.	387/1	0.042
27.	387/2	0.070
28.	387/3	0.110
29.	389	0.012
30.	381	0.020
31.	369	0.366
32.	368	0.006
33.	370	3.075
34.	374/1	0.189
35.	374/2	0.151
36.	372/3	0.075
37.	384	0.010
38.	415	0.035
योग: कुल क्षेत्रफल		3.825

(सं. ओ 14016/64/85 जी पी)

S.O. 668.—Whereas, it appears to the Central Government that it is necessary in the public interest that for the transport of petroleum from Hajira Bareilly to Jagdishpur in Madhya Pradesh State pipeline should be laid by the Gas Authority of India Limited.

And, whereas, it appears that for the purpose of laying such pipeline, it is necessary to acquire the right of user in the land described in the schedule annexed hereto;

Now, therefore, in exercise of the powers conferred by sub-section (1) of the Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in the Land) Act, 1962 (50 of 1962) the Central Government hereby declares its intention to acquire the right of user therein:

Provided that any person interested in the said land may, within 21 days from the date of this notification, object to the laying of the pipeline under the land to the Competent Authority, HBJ gas pipeline, 83, Subash Nagar, Sanver Road, Ujjain, (M.P.).

And every person making such an objection shall also state specifically whether he wishes to be heard in person or by legal practitioner.

HBJ GAS PIPE LINE PROJECT

Village : Pathari Thesil : Sarangpur Distt. : Rajgarh
SCHEDULE

S. Survey No. No.	Area to be Acqui- red for R.O.U. in Hectare
1. 290	0.126
2. 289	0.105
3. 292 M.S.	0.374
4. 293	0.026
5. 145	0.051
6. 294	0.028
7. 295 M.S.	0.253
8. 297/2 M.S	0.341
9. 421/1	0.025
10. 416	0.273
11. 417	0.075
12. 401	0.052
13. 388	0.126
14. 390	0.151
15. 391	0.006
16. 394	0.126
17. 398	0.006
18. 399	0.032
19. 386	0.022
20. 414	0.075
21. 372/1	0.040
22. 375	0.020
23. 299/4	0.022
24. 368/2	0.216
25. 402	0.093
26. 387/1	0.042
27. 387/2	0.070
28. 387/3	0.110
29. 389	0.012
30. 381	0.020
31. 369	0.366
32. 366	0.006
33. 370	0.075
34. 374/1	0.189
35. 374/2	0.151
36. 372/3	0.075
37. 384	0.010
38. 415	0.035
TOTAL AREA	3.825

[No. O-14016/64/85-GP]

स्वास्थ्य और परिवार कल्याण मंत्रालय

(स्वास्थ्य विभाग)

नई दिल्ली, 4 फरवरी, 1985

का. आ. 669--भारतीय आयुर्विज्ञान परिषद् अधिनियम, 1956 (1956 का 102) की धारा 3 की उपधारा (1) के खण्ड (क) के अनुसरण में मध्य प्रदेश सरकार के साथ परामर्श हार केन्द्रीय सरकार ने डा. के. पी. मेहरा, निदेशक चिकित्सा शिक्षा, मध्य प्रदेश को 19 जनवरी, 1985 से डा. सन्तोष सिंह के स्थान पर भारतीय आयुर्विज्ञान परिषद् के सदस्य के रूप में नामित किया है।

अतः अब उक्त अधिनियम की धारा 7 की उपधारा (4) के साथ पठित धारा 3 की उपधारा (1) के अनुसरण में केन्द्रीय सरकार एतद्वारा पूर्वानी स्वास्थ्य मंत्रालय की 9 जनवरी, 1960 की अधिसूचना संभाल आ. 5-13/59 एम. 1 में निम्नलिखित और संशोधन करती है, अर्थात् :-

में केन्द्रीय सरकार भारत सरकार के भूतपूर्व स्वास्थ्य मंत्रालय की 9 जनवरी, 1960 की अधिसूचना सं. का. आ. 138 में एतद्वारा आगे और निम्नलिखित संशोधन करती हैं, अर्थात् :-

उक्त अधिसूचना में “धारा 3 की उपधारा (1) के खण्ड (क) के अधीन नामित” शीर्ष के नीचे क्रम सं. 8 और उससे संबंधित प्रविष्टि के स्थान पर निम्नलिखित क्र. सं. और प्रविष्टि प्रतिस्थापित की जाये, अर्थात् :-

“8. डा. के. पी. मेहरा,
निदेशक, चिकित्सा शिक्षा,
मध्य प्रदेश शासन,
भोपाल।”

[सं. वी. 11013/26/83-एम. ई.(पी.)]

MINISTRY OF HEALTH AND FAMILY WELFARE
(Department of Health)

New Delhi, the 4th February, 1985

S.O. 669.—Whereas the Central Government in pursuance of the provision of clause (b) of sub-section (1) of section 3 of the Indian Medical Council Act, 1956 (102 of 1956) and in consultation with the Government of Madhya Pradesh have nominated Dr. K. P. Mehra, Director Medical Education, Madhya Pradesh to be a member of the Medical Council of India vice Dr. Santokh Singh, with effect from 19th January, 1985;

Now, therefore, in pursuance of the provisions of sub-section (1) of section 3 read with sub-section (4) of section 7 of the said Act, the Central Government hereby makes the following further amendment in the notification of the Government of India in the late Ministry of Health No. S.O. 138, dated the 9th January, 1960, namely :—

In the said notification, under the heading “nominated under clause (a) of sub-section (1) of section 3”, for serial number 8 and the entry relating thereto, the following serial number and entry shall be substituted, namely :—

“8. Dr. K. P. Mehra,
Director Medical Education,
Government of Madhya Pradesh,
Bhopal.”

[No. V. 11013/26/83-M.E.(Policy)]

का. आ. 670--यह भारतीय आयुर्विज्ञान परिषद् अधिनियम, 1956 (1956 का 102) की धारा 3 की उपधारा (1) के खण्ड (ख) के उपबन्धों के अनुसरण में कुकातिया विश्वविद्यालय के मिनेट ने डा. टी. पी. गोपी नाथ को 31 मई, 1984 से डा. पी. छी. कांडलीकर, जो रिटायर हो चुके हैं, के स्थान पर भारतीय आयुर्विज्ञान परिषद् का सदस्य नियोजित किया है।

अतः अब उक्त अधिनियम की धारा 7 की उपधारा (4) के साथ पठित धारा 3 की उपधारा (1) के अनुसरण में केन्द्रीय सरकार एतद्वारा पूर्वानी स्वास्थ्य मंत्रालय की 9 जनवरी, 1960 की अधिसूचना संभाल आ. 5-13/59 एम. 1 में निम्नलिखित और संशोधन करती है, अर्थात् :-

उक्त अधिसूचना में “धारा-3 की उपधारा (1) के खण्ड (ख) के अधीन निर्बन्धित” शीर्ष के अन्तर्गत क्रमसंख्या

52 और उसमें संबंधित प्रविष्टियों के स्थान पर निम्नलिखित क्रम संख्या और प्रिविष्टिया रखी जाएं, अर्थात्:—

“52 डा. टी. पी. गोपीनाथ,
आयुर्विज्ञान के प्रोफेसर
काकातिया मैडिकल कॉलेज,
वारंगल”।

[संख्या वी. 11013/1/85 एम. ई. (पी.)]

S.O. 670.—Whereas in pursuance of the provision of clause (b) of sub-section (1) of section 3 of the Indian Medical Council Act, 1956 (102 of 1956) Dr. D. P. Gopinath has been elected by the Senate of Kakatiya University to be a member of the Medical Council of India with effect from the 31st May, 1984 vice Dr. P. D. Kandlikar, since retired.

Now, therefore, in pursuance of sub-section (1) of Section 3 read with sub-section (4) of section 7 of the said Act, the Central Government hereby makes the following amendment in the notification of the Government of India in the late Ministry of Health No. 5-13/59-MI, dated the 9th January, 1960, namely:—

In the said notification, under the heading “Elected under clause (b) of sub-section (1) of section 3” for serial number 52 and entries relating thereto, the following serial number and entries shall be substituted, namely:—

“52. Dr. T. P. Gopinath,
Professor of Medicine,
Kakatiya Medical College,
Warangal.”

[No. V. 11013/1/85-ME(P)]

का. आ. 661.—यह भारतीय आयुर्विज्ञान परिषद अधिनियम, 1956 (1956 का 102) को धारा 3 की उपधारा (1) के खण्ड (ख) के उपबन्धों के अनुसरण में कोटि आफ आगरा विश्वविद्यालय ने डा. एम. पी. महरोका को 5 जनवरी, 1985 के भारतीय आयुर्विज्ञान परिषद का सदस्य निर्वाचित किया है।

अतः इकत्ता अधिनियम की धारा 3 की उपधारा (1) के अनुसरण में केन्द्रीय सरकार एतद्वारा पूर्ववर्ती स्वास्थ्य मंत्रालय की 9 जनवरी, 1960 की अधिसूचना संख्या आर-5-13/59 एम-1 में निम्नलिखित और संशोधन करती है, अर्थात्:—

उक्त अधिसूचना में “धारा-3 की उपधारा (1) के खण्ड (ख) के अधीन निर्वाचित” शब्द के अन्तर्गत क्रम संख्या 6 और उसमें संबंधित प्रविष्टियों के स्थान पर निम्नलिखित क्रम संख्या और प्रविष्टिया रखी जाए, अर्थात्:—

“6. डा. एम. पी. महरोका,
सरोजिनी नायडू मैडिकल कॉलेज आगरा,
वजीरपुरा रोड,
आगरा”।

[सं. वी. 11013/2/85 एम. ई. (पी.)]
चन्द्र भान, अवर सचिव

S.O. 671.—Whereas in pursuance of the provisions of clause (b) of sub-section (1) of section 3 of the Indian Medical Council Act, 1956 (102 of 1956), Dr. M. P. Mehrotra has been elected by the Court of Agra University to be a member of the Medical Council of India with effect from the 5th January, 1985;

Now, therefore, in pursuance of sub-section (1) of section 3 of the said Act, the Central Government hereby makes the following amendment in the notification of the Government of India in the late Ministry of Health No. 5-13/59-MI, dated the 9th January, 1960, namely:—

In the said notification, under the heading “Elected under clause (b) of sub-section (1) of section 3” for serial number 6 and entries relating thereto the following serial number and entries shall be substituted, namely:—

“6 Dr. M. P. Mehrotra,
S. N. Medical College, Agra,
Wazirpura Road, Agra.”

[No. V. 11013/2/85-ME(P)]
CHANDER BHAN, Under Secy.

युवा कार्य और खेल विभाग

नई दिल्ली, 28 जनवरी, 1985

का. आ. 672.—इस विभाग की समसंख्या दिनांक 13 जून, 1983 की अधिसूचना जो दिनांक 5 जुलाई, 1984 की समसंख्यक अधिसूचना द्वारा संशोधित की गई थी; अब उसमें एतद्वारा निम्नलिखित और आंशिक संशोधित किया जा रहा है:—

कम संख्या 1 पर “केन्द्रीय खेल मंत्री श्री बूटा सिंह” के स्थान पर “केन्द्रीय युवा कार्य और खेल राज्य मंत्री, श्री आर. के. जयचन्द्र सिंह” को प्रतिस्थापित किया जाए।

[संख्या एफ० 13-1/81 डी. आई (एस पी)]
ए. एम. सहगल, निदेशक खेल

DEPARTMENT OF YOUTH AFFAIRS AND SPORTS

New Delhi, the 28th January, 1985

S.O. 672.—This Department's notification of even number dated 13th June, 1983 as modified vide notification of even number dated 5th July, 1984 is hereby further partially modified as follow:—

At Sl. No. 1 against “Union Minister of Sports—Shri Buta Singh” the following may please be substituted “Union Minister of State for Youth Affairs and Sports—Shri R. K. Jaichandra Singh”.

[No. F. 13-1/81-DI(SP)]
A. M. SEHGAL, Director(SP)

दिल्ली विकास प्राधिकरण

(सर्वेक्षण एवं व्यवस्थापन यूनिट-I)

नई दिल्ली, 28 जनवरी, 1985

का. आ. 673.—दिल्ली विकास प्राधिनियम, 1957 (1957 का 61) की धारा 22 की उपधारा (4) के उपबन्धों के अनुसरण में दिल्ली विकास प्राधिकरण नीचे दी गई अनुसूची में उस्तिखित भूमि जिसकी सरकार को सामान्य पूल सरकारी आवासीय योजना के अन्तर्गत टाईप 4 के क्वार्टरों के निर्माण के लिए आगे केन्द्रीय सोक निर्माण-विभाग को अंतरित करने के लिए आवश्यकता है, केन्द्रीय सरकार को निपटान के लिए लौटाना है।

अनुसूची

लगभग 3.00 एकड़ का समस्त भूमि खण्ड जो सेक्टर-12, रामाकृष्णपुरम्, नई दिल्ली में स्थित है और जिसकी स्थल सं. 110 है तथा जो अधिसूचना सं. ०८३० आ० 4719, दिनांक 21-८-१९७५ का समस्त भाग है।

उपर्युक्त भूमि खण्ड की सीमाएँ निम्नवत हैं—

उत्तर में—सड़क

धर्मिण में—सरकारी बवाईर

पूर्व में—सड़क

पश्चिम में—कॉलम्बस स्कूल।

[सं. एस. एण्ड एस. 33(17)/83 प. एस. आ०. (i)/31]

DELHI DEVELOPMENT AUTHORITY

(Survey & Settlement Unit. I)

New Delhi, the 28th January, 1985

S.O. 673.—In pursuance of the provisions of sub-section (4) of section 22 of the D.D. Act, 1957 (No. 61 of 1957), the Delhi Development Authority replace at the disposal of the Central Government the land described in the Schedule below which that Government required for further transfer to the C.P.W.D. for construction of Type-JV quarters under Central Pool Govt. Housing Scheme :—

SCHEDULE

All that piece of land measuring about 0.5 acre situated in Sector XII, R. K. Puram, New Delhi, bearing site No. 110 full of Notification No. S. O. 4719, dated 21-8-1975.

The above piece of land is bounded as follows :—

North : By Road.

South : By Govt. Quarters.

East : By Road.

West : By Columbus School.

[No. S&S 33(17)/83-A SO(I)/31]

का. आ० 674.—दिल्ली विकास अधिनियम, 1957 (1957 का 61) की धारा 22 की उपधारा (4) के उपबन्धों के अनुसरण में, दिल्ली विकास प्रशिकरण नीचे दी गई अनुसूची में उल्लिखित भूमि जिसको सरकार को प्री-प्राइवरी-स्कूल के लिए आगे दिल्ली कैथोलिक आर्चिडियोसेस को अनंतरित करने के लिए आवश्यकता है, केन्द्रीय सरकार को निपटान के लिए लौटाता है।

अनुसूची

लगभग 0.5 एकड़ का समस्त भूमि खण्ड जो सेक्टर-2, रामाकृष्णपुरम्, नई दिल्ली में स्थित है और जिसकी स्थल सं. 51 है तथा जो अधिसूचना सं. एस. आ०. 4719, दिनांक 21-८-१९७५ का समस्त भाग है।

उपर्युक्त भूमि खण्ड की सीमाएँ निम्नवत हैं :—

उत्तर में—सड़क,

धर्मिण में—नाला,

पूर्व में—चर्च,

पश्चिम में—केन्द्रीय स्कूल।

[सं. एस. एण्ड एस. 32 (63)/75-ए. प्रस. आ०. (I)/28]

एस. पी. जैन, सचिव

S.O. 674.—In pursuance of the provisions of Sub-section (4) of Section 22 of the Delhi Development Act, 1957 (61 of 1957), the Delhi Development Authority replace at the disposal of the Central Government the land described in the Schedule below which that Govt. required for further transfer to the Delhi Catholic Archidiocese for a pre-primary school.

SCHEDULE

All that piece of land measuring about 0.5 acre situated in R. K. Puram, Sector-II, New Delhi bearing site No. 51 full of Notification No. S.O. 4719, dated 21-8-75.

The above piece of land is bounded as follows :—

North : By Roads.

South : By Nallah.

East : By Church.

West : By Central School.

[No. S&S 32(63)/75-ASO(I)/28]

M. P. JAIN, Secy.

नौवहन और परिवहन मंत्रालय

(श्रम पक्ष)

नई दिल्ली, 4 फरवरी, 1985

का०आ० 675.—विशाखापत्तन अरजिस्ट्रीकृत डाक कर्मकार (नियोजन का विनियम) स्कीम, 1968 का और संशोधन करने के लिए, डाक कर्मकार (नियोजन का विनियम) अधिनियम, 1948 (1948 का 9) की धारा 4 की उपधारा (1) की अपेक्षानुसार एक प्रारूप स्कीम, भारत सरकार के नौवहन और परिवहन मंत्रालय (परिवहन बंड) की अधिसूचना सं० का०आ० 2161, नारीख 21 जून, 1984 के साथ भारत के राजपत्र, भाग II, खण्ड 3, उपखण्ड (ii) तारीख 7 जुलाई, 1984 में पृष्ठ 2034-2035 पर प्रकाशित की गई थी और ऐसे सभी व्यक्तियों से, जिनके उससे प्रभावित होने की सभावना थी, उक्त अधिसूचना के राजपत्र में प्रकाशित होने की तारीख से दो मास की अवधि की समाप्ति तक, आक्षेप और सुझाव मांगे गए थे;

और उक्त राजपत्र 21 जुलाई, 1984 को जनता को उपलब्ध करा दिया था ;

और उक्त प्रारूप स्कीम के संबंध में जनता में कोई आक्षेप और सुझाव प्राप्त नहीं हुए हैं ;

अतः केन्द्रीय सरकार उक्त अधिनियम की धारा 4 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए;

विशाखापत्तन अरजिस्ट्रीकृत डाक कर्मकार (नियोजन का विनियमन) स्कीम, 1968 का और संशोधन करने के लिए निम्नलिखित स्कीम बनाती है, अर्थात्:—

1. (1) इस स्कीम का संक्षिप्त नाम विशाखापत्तन अरजिस्ट्रीकृत डाक कर्मकार (नियोजन का विनियमन) स्कीम, 1968 में, (संशोधन) स्कीम, 1985 है।

(2) ये राजपत्र में प्रकाशन की तारीख को प्रवृत्त होगी।

2. विशाखापत्तन अरजिस्ट्रीकृत डाक कर्मकार (नियोजन का विनियमन) स्कीम, 1968 में, खंड 27 के स्थान पर निम्नलिखित खंड रखा जाएगा, अर्थात्:—

“27. अवकाश दिन: प्रत्येक सूचीबद्ध कर्मकार एक वर्ष में अधिक से अधिक नौ अवकाश दिनों का हकदार होगा। उसे अवकाश दिनों के लिए उस प्रवर्ग के लिए जिस प्रवर्ग का वह स्थायी रूप से है, वह कालानुपाती दर उस मजदूरी पर, जिसमें समुचित मंहगाई भत्ता भी है, संखय किया जाएगा।”

[फारम सं. 48/83-एल-IV]
वी. संकरालिङम, उप सचिव

MINISTRY OF SHIPPING AND TRANSPORT

(Labour Division)

New Delhi, the 4th February, 1985

S.O. 675.—Whereas certain draft scheme further to amend the Visakhapatnam Unregistered Dock Workers (Regulation of Employment) Scheme, 1968 was published, as required by sub-section (1) of section 4 of the Dock Workers (Regulation of Employment) Act, 1948 (9 of 1948), with the Notification of the Government of India in the Ministry of Shipping and Transport (Transport Wing) No. S.O. 2161, dated the 21st June, 1984 in the Gazette of India, Part II, Section 3, Sub-section (ii) dated the 7th July, 1984 at page 2035 inviting objections and suggestions from all persons likely to be affected thereby till the expiry of a period of two months from the date of publication of the said Notification in the Official Gazette;

And whereas the said Gazette was made available to the public on the 21st July, 1984;

And whereas no objections and suggestions have been received from the public on the said draft scheme;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 4 of the said Act, the Central Government hereby makes the following scheme further to amend the Visakhapatnam Unregistered Dock Workers (Regulation of Employment) Scheme, 1968, namely:—

1. (i) This scheme may be called the Visakhapatnam Unregistered Dock Workers (Regulation of Employment) (Amendment) Scheme, 1985.

(ii) It shall come into force on the date of its publication in the Official Gazette.

2. In the Visakhapatnam Unregistered Dock Workers (Regulation of Employment) Scheme, 1968, for clause 27, the following clause shall be substituted, namely:—

“27. Holidays: Each listed worker shall be entitled to holidays not exceeding 9 days in a year. He shall be paid for the holidays at the time-rate wage inclusive of dearness allowance appropriate to the category to which he permanently belongs.”

[F. No. LDV/48/83-L-IV]
V. SANKARALINGAM, Dy. Secy.

संचार मंत्रालय

(डाक तार बोर्ड)

नई दिल्ली, 4 फरवरी, 1985

का. आ. 676.—स्थायी आदेश संख्या 627, दिनांक 8 मार्च, 1960 द्वारा लागू किये गये भारतीय तार नियम, 1951 के नियम 434 के खण्ड III के पैरा (क) के अनुसार, डाक-तार महानिदेशक ने वलाथुर, पड़ावरामि, के .वी. कुप्पम तथा एस. मोटूर टेलीफोन केन्द्र में दिनांक 16-2-1985 से प्रमाणित दर प्रणाली लागू करने का निश्चय किया है।

[संख्या 5-4/85-पी. एच. बी.]

MINISTRY OF COMMUNICATIONS

(P & T Board)

New Delhi, the 4th February, 1985

S.O. 676.—In pursuance of para (a) of Section III of Rule 434 of Indian Telegraph Rules, 1951, as introduced by S.O. No. 627 dated 8th March, 1960, the Director General, Posts and Telegraphs, hereby specified 16-2-1985 as the date on which the Measured Rate System will be introduced in Valathur/Paradarami/K.V. Kuppam/S.Mottur Telephone Exchanges Tamil Nadu Circle.

[No. 5-4/85-PHB]

नई दिल्ली, 5 फरवरी, 1985

का. आ. 677.—स्थायी आदेश संख्या 627, दिनांक 8 मार्च, 1960 द्वारा लागू किये गये भारतीय तार नियम, 1951 के नियम 434 के खण्ड III के पैरा (क) के अनुसार, डाक-तार महानिदेशक ने पिठापुरम टेलीफोन केन्द्र में दिनांक 16-2-1985 से प्रमाणित दर प्रणाली लागू करने का निश्चय किया है।

[संख्या 5-5/85-पी. एच. बी.]

New Delhi, the 5th February, 1985

S.O. 677.—In pursuance of para (a) of Section III of Rule 434 of Indian Telegraph Rules, 1951, as introduced by S.O. No. 627, dated 8th March, 1960, the Director General, Posts and Telegraphs, hereby specified 16-2-1985 as the date on which the Measured Rate System will be introduced in Pithapuram Telephone Exchanges Andhra Pradesh Circle.

[No. 5-5/85-PHB]

का. आ. 678.—स्थायी आदेश संख्या 627, दिनांक 8 मार्च, 1960 द्वारा लागू किये गये भारतीय तार नियम, 1951 के नियम 434 के खण्ड III के पैरा (क) के अनुसार, डाक-तार महानिदेशक ने पामिडि टेलीफोन केन्द्र में दिनांक 1-3-1985 से प्रमाणित दर प्रणाली लागू करने का निश्चय किया है।

[संख्या 5-5/85-पी. एच. बी.]

S.O. 678.—In pursuance of para (a) of Section III of Rule 434 of Indian Telegraph Rules, 1951, as introduced by S.O. No. 627, dated 8th March, 1960, the Director General, Posts and Telegraphs, hereby specified 1-3-1985 as the date on which the Measured Rate System will be introduced in Pamidi Telephone Exchange Andhra Pradesh Circle.

[No. 5-5/85-PHB]

इसके बावजूद दक्षिण में यह सीमा कास्पादना नदी, उत्तर में अंडानिकुलम-युथेपा-चिंग रोड, पश्चिम में कानोली नहर और पूर्व में कोटानेल्लूर की पूर्वी सीमा तक सीमित रहेगी।

[म. 3-6/74-पी.एच.बी.]

New Delhi, the 4th February, 1985

S.O. 680.—Whereas a Public Notice for revising the local area of Vellangallur Telephone Exchange System was published as required by rule 434 (III) (2c) of the Indian Telegraph Rules, 1951 in the Newspapers) in circulation at Vellangallur, inviting objections and suggestions from all persons likely to be affected thereby, within a period of 30 days from the date of publication of the Notice in the Newspapers;

And whereas the said Notice was made available to the public on 29-7-1984 in Malayala Manorama and on 11-8-1984 in Mathruboomi;

And whereas no objections and suggestions have been received from the public on the said Notice.

Now, therefore, in exercise of the powers conferred by rule 434 (III) (2c) of the said Rules, the Director General Posts and Telegraphs hereby declares that with effect from 16-2-1985 the revised local area of Vellangallur shall be as under :—

Vellangallur Telephone Exchange System :

The local area of Vellangallur shall cover an area of falling within 5 km. radial distance from Vellangallur Telephone Exchange;

Provided that this limit shall be restricted to Karoopadanna River on the south Andanikulam Puthenittra Road on the North, Canoli Canal on the west and eastern boundary of Kotanellore on the East.

[No. 3-6/74-PHB]

का०आ 681.—जबकि भारतीय तार नियम, 1951 के नियम 434 (III) (2) (ग) के अनुसार, वेल्लनगल्लूर एक्सचेंज प्रणाली में संशोधन करने के लिए वेल्लनगल्लूर में प्रबलित समाचार पत्रों में एक सार्वजनिक नोटिस प्रकाशित कराई गई थी, जिससे प्रभावित व्यक्तियों से नोटिस के प्रकाशित होने के 30 दिन के भीतर आपत्तियां तथा मुकाबल मांगे गये थे,

और जबकि उक्त नोटिस को स्थानीय क्षेत्र हेतु 29-7-1984 को मलयाला मनोरमा और 11-8-1984 को मातृभूमि समाचार पत्रों में जनता के ध्यान में लाया गया था,

और जबकि उपरोक्त नोटिस के संबंध में जनता से कोई सुझाव और आपत्तियां प्राप्त नहीं हुईं,

अतः अब, उक्त नियमों के नियम 434(III) (2) (ग) में प्रदत्त शक्तियों का प्रयोग करते हुये, डाक-तार महानिशेशक घोषणा करते हैं कि तारीख 16-2-1985 से वेल्लनगल्लूर का संशोधित स्थानीय क्षेत्र निम्न प्रकार होगा :—

वेल्लनगल्लूर : टेलीफोन एक्सचेंज प्रणाली :

वेल्लनगल्लूर के स्थानीय क्षेत्र के अंतर्गत वेल्लनगल्लूर टेलीफोन एक्सचेंज के 5 कि. मी. अग्रीय क्षेत्र में पड़ने वाले इलाके शामिल रहेंगे :

त्रिकारपुर टेलीफोन एक्सचेंज प्रणाली :

त्रिकारपुर के स्थानीय क्षेत्र के अंतर्गत त्रिकारपुर टेलीफोन एक्सचेंज के 5 कि०मी० अग्रीय क्षेत्र में पड़ने वाले इलाके शामिल रहेंगे :

इसके बाबजूद उत्तर में यह सीमा त्रिकारपुर रोड त्रिकारपुर कारामेल जंशन के दक्षिण तक, दक्षिण में ओलावारा-यूलियांकवावु रोड, पूर्व में कुनियायोडे और दक्षिण-पश्चिम में कव्यापुरज्ञा तक सीमित रहेगी।

[सं० 3-674/74-पी एच बी]

S.O. 681.—Whereas a Public Notice for revising the local area of Trikarpur Telephone Exchange System was published as required by rule 434(III)(2c) of the Indian Telegraph Rules, 1951 in the Newspapers in circulation at Trikarpur, inviting objections and suggestions from all persons likely to be affected thereby, within a period of 30 days from the date of publication of the Notice in the Newspapers ;

And whereas the said Notice was made available to the public on 22-7-1984 in Mathrubhumi and on 29-7-1984 in Malayala Manorama;

And whereas no objections and suggestions have been received from the public on the said notice ;

Now, therefore, in exercise of the power conferred by rule 434(III)(2c) of the said Rules, the Director General Posts and Telegraphs hereby declares that with effect from 16-2-1985 the revised local area of Trikarpur shall be as under :—

Trikarpur Telephone Exchange System :

The local area of Trikarpur shall cover an area falling within 5 km. radial distance from Trikarpur Telephone Exchange :—

Provided that this limit shall be restricted to South of Kalikadavu junction along Trikarpur Road in the North Olavara-Uliyankadavu Road towards South, Kunianthode towards East and Kovvapuzha towards South-West.

[No. 3-6/74-PHB]

का०प्रा० 682.—जबकि भारतीय तार नियम 1951 के नियम 434 (III) (2ग) के अन्सार कोट्टर एक्सचेंज प्रणाली में संशोधन करते के लिये पैयानूर एक्सचेंज प्रणाली में प्रभावित समाचार पत्रों में क सार्वजनिक नोटिस प्रकाशित करवाई गई थी, जिससे प्रभावित होने वाले व्यक्तियों से नोटिस के प्रकाशित होने के 30 दिन के भीतर आपत्तियां तथा सुझाव मांगे गए थे

और जबकि उक्त नोटिस को स्थानीय क्षेत्र होते 6-1-84 को लीग टाइम्स समाचार पत्र में जनता के ध्यान में लाया गया था,

और जबकि उपरोक्त नोटिस के संबंध में जनता से कोई सुझाव और आपत्तियां प्राप्त नहीं हुईं,

अतः अब उक्त नियमों के नियम 434 (III) (2)(ग) में प्रदत्त शक्तियों का प्रयोग करते हुए डाक-तार महानिदेशक घोषणा करते हैं कि तारीख 16-2-1985 से पैयानूर का मंशोधित स्थानीय क्षेत्र निम्न प्रकार होगा :—

पैयानूर टेलीफोन एक्सचेंज प्रणाली

पैयानूर के स्थानीय क्षेत्र के अंतर्गत पैयानूर टेलीफोन एक्सचेंज के 5 कि०मी० अरीय क्षेत्र में पड़ने वाले इलाके शामिल रहेंगे,

इसके बाबजूद उत्तर में यह सीमा एन००५८० 17 अमूर-कारामेल रोड जंशन प्लाईट, उत्तर-पश्चिम में कव्यापुरज्ञा और ओलावारा-यूलियांकवावु रोड और दक्षिण-पश्चिम में पुन्नाकाङ्कवावु नदी तक सीमित रहेगी।

[सं० 3-6/74-पी एच बी]

S.O. 682.—Whereas a Public Notice for revision the local area of Payyannur Telephone Exchange System was published as required by rule 434(III) (2c) of the Indian Telegraph Rules, 1951 in the Newspapers in circulation at Payyannur, inviting objections and suggestions from all person likely to be affected thereby, within a period of 30 days from the date of publication of the Notice in the Newspapers ;

And whereas the said Notice was made available to the public on 6-1-84 in the "League Times".

And whereas no objections and suggestions have been received from the public on the said notice ;

Now, therefore, in exercise of the power conferred by rule 434(III) (2c) of the said Rules, the Director General Posts and Telegraphs hereby declares that with effect from 16-2-85 the revised local areas of Payyannur shall be as under ;

Payyannur Telephone Exchange System :

The local area of Payyannur shall cover an area falling within 5 km. radial distance from Payyannur Telephone Exchange :

Provided that this limit shall be restricted to the junction of Annur-Karamel road junction point on NH-17 towards North, Kovvapuzha and Olavara-Uliyankadavu Road towards North West and Punnakadavu river towards South West.

[No. 3-6/74-PHB]

का०प्रा० 683.—जबकि भारतीय तार नियम 1951 के नियम 434 (III) (2ग) के अन्सार कोट्टर एक्सचेंज प्रणाली में संशोधन करते के लिये कोट्टर में प्रभावित समाचार पत्रों में एक सार्वजनिक नोटिस प्रकाशित करवाई गई थी, जिससे प्रभावित होने वाले व्यक्तियों से नोटिस के प्रकाशित होने के 30 दिन के भीतर आपत्तियां तथा सुझाव मांगे गये थे,

और जबकि उक्त नोटिस को स्थानीय क्षेत्र होते 29-7-1984 को मलयाला मनोरमा और 11-8-84 को मातृभूमि समाचार-पत्रों में जनता के ध्यान में लाया गया था,

और जबकि उपरोक्त नोटिस के संबंध में जनता से कोई सुझाव और आपत्तियां प्राप्त नहीं हुईं,

अतः अब उक्त नियमों के नियम 434(III) (2ग) में प्रदत्त शक्तियों का प्रयोग करते हुए डाक-तार महानिदेशक घोषणा करते हैं कि तारीख 16-2-1985 से कोट्टर का संशोधित स्थानीय क्षेत्र निम्न प्रकार होगा :—

कोट्टर टेलीफोन एक्सचेंज प्रणाली

कोट्टर के स्थानीय क्षेत्र के अंतर्गत कोट्टर टेलीफोन एक्सचेंज के 5 कि०मी० अरीय क्षेत्र में पड़ने वाले इलाके शामिल रहेंगे,

इसके बाबजूद उत्तर में यह सीमा काश्वरमुर नदी, उत्तर-पूर्व में यानिसरी थृषि योग्य भूमि तथा इरिजाल-कुडा एक्सचेंज का 5 कि०मी० अरीय थेन्न का इलाका, दक्षिण पश्चिम में चेन्नापिण्डी ग्राम की दक्षिणी सीमा, उत्तर-पश्चिम में इडातुरुस्थी ग्राम की सीमा और मरियाडोडे जंक्शन (इडामुतन थेन्न) के दक्षिण में वेलापाड़ ग्राम का दक्षिणी थेन्न तक सीमित रहेगी।

[सं० 3-6/74-पी० एच० बी०]

S.O. 683.—Whereas a Public Notice for revising the local area of Kattoor Telephone Exchange System was published as required by rule 434(III)(2c) of the Indian Telegraphs Rules, 1951 in the Newspapers in circulation at Kattoor, inviting objections and suggestions from all persons likely to be affected thereby, within a period of 30 days from the date of publication of the notice in the Newspapers;

And whereas the said notice was made available to the public on 29-7-84 in Malayala Manorama and on 11-8-84 in Mathrubhoomi;

And whereas no objections and suggestions have been received from the public on the said notice;

Now, therefore, in exercise of the power conferred by rule 434(III)(2c) of the said Rules, the Director General Posts and Telegraphs hereby declares that with effect from 16-2-85 the revised local area of Kattoor shall be as under :

Kattoor Telephone Exchange System :

The local area of Kattoor shall cover an area falling within 5 km. radial distance from Kattoor Telephone Exchange ;

Provided that this limit shall be restricted to Karuvannur river on the North, Thanaissory Paddy fields and 5 km. radial distance of Irinjalakuda Exchange on the South-East, Southern boundary of Chenthrapipuni village in the South-West, Edathuruthy village boundary towards North-West and the portion of Vallanad village to the South of Murianthode Junction (Edamuttom area).

[No. 3-6/74-PHB]

का०आ० 684.—जबकि भारतीय तार नियम, 1951 के नियम 434(111)(2)(ग) के अनसार पेरिननाम टेलीफोन एक्सचेंज प्रणाली में संशोधन करने के लिए ऐस्यान्दान में प्रचलित समाचार पत्रों में एक सार्वजनिक नोटिस प्रकाशित करवाई गई थी, जिससे प्रभावित होने वाले व्यक्तियों से नोटिस के प्रकाशित होने के 30 दिन के भीतर आपत्तियाँ तथा सुझाव मांगे गये थे,

और जबकि उक्त नोटिस को स्थानीय थेन्न हेतु 29-7-1984 को मलयाला मनोरमा और 11-8-1984 की मात्रमें समाचार पत्रों में जनता के ध्यान में लाया गया था,

और जबकि उपरोक्त नोटिस के संबंध में जनता से कोई सुझाव और आपत्तियाँ प्राप्त नहीं हुई,

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अतः अब उक्त नियमों के नियम 434(111)(2)(ग) में प्रदत्त शक्तियों का प्रयोग करते हुए डाक-तार महानिदेशक घोषणा करते हैं कि तारीख 16-2-1985 से पेरिननाम का संशोधित स्थानीय थेन्न निम्न प्रकार होगा:- पेरिननाम टेलीफोन एक्सचेंज प्रणाली :-

पेरिननाम के स्थानीय थेन्न के अंतर्गत पेरिननाम टेलीफोन एक्सचेंज के अधिकार के 5 किलोमीटर अरीय थेन्न में पड़ने वाले इलाके शामिल रहेंगे। इसके बाबजूद उत्तर में यह सीमा कैपासंगलम ग्राम की ग्रामीण (सीमा तक, पूर्व में कानोली नहर और दक्षिण में कुलीमुतान और पैपिनवातम ग्रामों की सीमा तक सीमित रहेगी।

[सं० 3-6/74-पी० एच० बी०]

S.O. 684.—Whereas a Public Notice for revising the local area of Perinnanam Telephone Exchange System was published as required by rule 434(III)(2c) of the Indian Telegraph Rules, 1951 in the Newspapers in circulation at Perinnanam, inviting objections and suggestions from all persons likely to be affected thereby, within a period of 30 days from the date of publication of the notice in the Newspapers ;

And whereas the said notice was made available to the public on 29-7-1984 in Malayala Manorama and on 11-8-1984 in Mathrubhoomi ;

And whereas no objections and suggestions have been received from the public on the said notice ;

Now, therefore, in exercise of the power conferred by rule 434(III)(2c) of the said Rules, the Director General Posts and Telegraphs hereby declares that with effect from 16-2-1985 the revised local area of Perinnanam shall be as under ;

Perinnanam Telephone Exchange System :

The local area of Perinnanam shall cover an area falling within 5 km. radial distance from Perinnanam Telephone Exchange ;

Provided that this limit shall be restricted to the village boundary of Kaivamangalam village on the North, Canoli Canal on the East, and the boundaries of Kullimuttom and Pappinivattom villages on the South.

[No. 3-6/74-PHBI

का०आ० 685.—जबकि "भारतीय" तार नियम 1951 के नियम 434(111)(2)(ग) के अनसार इरिजालकडा एक्सचेंज प्रणाली में संशोधन करने के लिये इरिजालकडा में प्रचलित समाचार पत्रों में एक सार्वजनिक नोटिस प्रकाशित की गई थी, जिससे प्रभावित होने वाले व्यक्तियों से नोटिस के प्रकाशित होने के 30 दिन के भीतर आपत्तियाँ तथा सुझाव मांगे गये थे,

और जबकि उक्त नोटिस को स्थानीय थेन्न हेतु 10-1-1984 को एक्सचेंज और देशभिमानी समाचार-पत्रों में जनता के ध्यान में लाया गया था,

और जबकि उपरोक्त नोटिस के संबंध में जनता से कोई सुझाव और आपत्तियाँ प्राप्त नहीं हुई,

अतः अब उक्त नियमों के नियम 434(111)(2)(ग) में प्रदत्त शक्तियों का प्रयोग करते हुये डाक-तार महानिदेशक घोषणा करते हैं कि तारीख 16-2-85 से इरिजालकुड़ा का संशोधित स्थानीय क्षेत्र निम्न प्रकार होगा:-
इरिजालकुड़ा टेलीफोन एक्सचेंज प्रणाली :-

इरिजालकुड़ा के स्थानीय क्षेत्र के अंतर्गत इरिजालकुड़ा टेलीफोन एक्सचेंज के 5 कि०मी० परीय क्षेत्र में पड़ने वाले इलाके शामिल रहेंगे ।

इसके बाबजूद दक्षिण में यह सीमा अंडालिगुलम (पुथेनपिरा रोड) तक सीमित रहेगी ।

[सं० 3-6/74-प० एच० बी०]

S.O. 685.—Whereas a public notice for revising the local area of Irinjalakuda Telephone Exchange System was published as required by rule 434(III)(2c) of the Indian Telegraph Rules, 1951 in the Newspapers in circulation at Irinjalakuda, inviting objections and suggestions from all persons likely to be affected thereby, within a period of 30 days from the date of publication of the notice in the Newspapers ;

And whereas the said notice was made available to the public on 10-1-1984 in Express and Deshabhimani ;

And whereas no objections and suggestions have been received from the public on the said notice ;

Now, therefore, in exercise of the power conferred by rule 434(III)(2c) of the said Rules, the Director General Posts & Telegraphs hereby declares that with effect from 16-2-85 the revised local area of Irinjalakuda shall be as under ;

Irinjalakuda Telephone Exchange System :

The local area of Irinjalakuda shall cover an area falling within 5 km. radial distance from Irinjalakuda Telephone Exchange ;

Provided that this limit shall be restricted to Andankulam (Puthen Chira Road) in the South.

[No. 3-6/74-PHB]

का०आ० 686.—जबकि भारतीय तार नियम 434(111)(2)(ग) के अन्सार कारिवेलर एक्सचेंज प्रणाली में संशोधन करने के लिये कारिवेलर में प्रचलित समाचार पत्रों में एक सार्वजनिक नोटिस प्रकाशित करवाई गई थी, जिससे प्रभावित होने वाले व्यक्तियों से नोटिस के प्रकाशित होने के 30 दिन के भीतर प्राप्तियां तथा सुझाव मांगे गये थे,

और जबकि उक्त नोटिस को स्थानीय क्षेत्र त्रेत् 22-7-1984 की मात्राप्रमि और 29-7-84 को मलयाला मनोरमा समाचार-पत्रों में जबता के ध्यान में लाया गया था,

और जबकि उपरोक्त नोटिस के संबंध में जनता से कोई सुझाव और आपत्तियां प्राप्त नहीं हुईं ।

अतः अब उक्त नियमों के नियम 434(111)(2)(ग) में प्रदत्त शक्तियों का प्रयोग करते हुए डाक-तार महानिदेशक घोषणा करते हैं कि तारीख 16-2-1985 से कारिवेलर का संशोधित स्थानीय क्षेत्र निम्न प्रकार होगा:-
कारिवेलर टेलीफोन एक्सचेंज प्रणाली :-

कारिवेलर के स्थानीय क्षेत्र के अंतर्गत कारिवेलर टेलीफोन एक्सचेंज के 5 कि०मी० परीय क्षेत्र में पड़ने वाले इलाके शामिल रहेंगे,

इसके बाबजूद उत्तर में यह सीमा दक्षिण कालिका-दावू जंक्शन, दक्षिण में एन०एच० 17 पैथ्यानूर-अम्बूर-कारामेल रोड जंक्शन प्लाइट, और पश्चिम उत्तर पश्चिम और दक्षिण में कुनियाथोडे तक सीमित रहेगी ।

[सं० 3-6/74-प० एच० बी०]
प्रधाप कुमार, निदेशक, फोन्स (E)

S.O. 686.—Whereas a public notice for revising the local area of Karivelloor Telephone Exchange System was published as required by rule 434(III)(2c) of the Indian Telegraph Rules, 1951 in the Newspapers in circulation at Karivelloor, inviting objections and suggestions from all persons likely to be affected thereby, within a period of 30 days from the date of publication of the notice in the Newspapers ;

And whereas the said notice was made available to the public on 22-7-1984 in Mathrubhumi and on 29-7-1984 in Malyala Manorama ;

And whereas no objections and suggestions have been received from the public on the said notice ;

Now, therefore, in exercise of the power conferred by rule 434(III)(2c) of the said Rules, the Director General Posts & Telegraphs hereby declares that with effect from 16-2-1985 the revised local area of Karivelloor shall be as under ;

Karivelloor Telephone Exchange System :

The local area of Karivelloor shall cover an area falling within 5 km. radial distance from Karivelloor Telephone Exchange ;

Provided that this limit shall be restricted to South of Kalikadavu junction on North, North of Pavyan-nur-Annur-Karamel Road junction point on NH 17 towards south and Kumianthods towards West, North-West and South-West.

[No. 3-6/74-PHB]
PRADEEP KUMAR, Director Phones(E)

अम बंत्रालय

नई विल्ली, 29 जनवरी, 1985

का०आ० 687 औद्योगिक विवाद प्रधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, सर्व श्री वाज फांरवडिन्स प्रा० लि० बम्बई के प्रबंधसंघ से सम्बद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक प्रधिकरण, बम्बई के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 21 जनवरी, 1985 को प्राप्त हुआ था ।

MINISTRY OF LABOUR

New Delhi, the 29th January, 1985

S.O. 687.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of Central Government Industrial Tribunal, Bombay, as shown in the Annexure in the industrial dispute between the employers in relation to the M/s. Vaz Forwarding Pvt. Ltd., Bombay and their workmen, which was received by the Central Government on the 21st January, 1985.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL BOMBAY

Reference No. CGIT-4 of 1982

PARTIES :

Employees in relation to M/s. Vaz Forwarding Pvt. Ltd., Bombay.

AND
their workmen

APPEARANCES :—

For the Employer : Mr. K. M. Shetty, Advocate

For the workmen : Mr. J. P. Kama, Advocate

INDUSTRY : Ports & Docks. STATE : Maharashtra.

Bombay, the 20th December, 1984

AWARD

This reference was being adjourned from time to time largely on account of absence of parties. As the workmen were absent on 17-8-1984 an ex-parte hearing notice was issued. They still remained absent on 4-9-1984. They were absent on 3-10-1984 and again on 19-11-1984. A fresh ex parte notice was issued. They were again absent on 29-11-1984 to which the matter was adjourned. On that date also the workmen or their representative were absent. It was adjourned to 20-12-1984, when the management representative was present and was heard. The workmen were absent when called.

2. The dispute relates to bonus for the 1979-80. The workmen have not filed any calculations or challenged any items in the balance sheet. An attempt earlier of 28-4-1983 was rejected again for failure of workmen to comply w.th the order of the Court. The workmen have not shown how they are entitled to bonus more than the statutory minimum of 8.33 Award accordingly as the claim is not substantiated it is rejected.

R. D. TULPULE, Presiding Officer.

[No. L-31011/3/82-D. IV(A)]

नई दिल्ली, 30 जनवरी, 1985

का० आ० 688.—ओद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, भारतीय जीवन बीमा निगम, बंबई के प्रबंधनतंत्र से सम्बद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट ओद्योगिक विवाद में केन्द्रीय सरकार ओद्योगिक अधिकरण, बंबई के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 21 जनवरी, 1985 को प्राप्त हुआ।

New Delhi, the 30th January, 1985

S.O. 688.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Bombay as shown in the Annexure in the industrial dispute between the employers in relation to the Life Insurance Corporation of India, Bombay and their workmen, which was received by the Central Government on the 21st January, 1985.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT BOMBAY

Reference No. CGIT-8 of 1984

PARTIES :

Employers in relation to Life Insurance Corporation of India, Bombay.

AND
their workmen

APPEARANCES :

For the Employer : Mr. Namjoshi, Advocate

For the workmen : Mr. More, Advocate

INDUSTRY : Insurance

STATE : Bombay

Bombay, the 17th December, 1984

AWARD

This is the reference under Section 10(1) (d) of the Industrial Disputes Act is worded as follows :—

"Whether the action of the management of Life Insurance Corporation of India in relation to their Bombay Divisional Area in terminating the services of S/Shri B. S. Chiplunkar, V. K. Bandarkar, N. R. Tande, J. A. Pandit, C. S. Dalvi, V. S. Verma, A. K. Gamre, S. D. Gamre, S. D. Kale and P. J. Waikar Peons with effect from 1-2-1983 is justified? If not, to what relief are the workmen concerned entitled?"

2. The Insurance Employees Association, hereinafter referred to as Association and the Insurance Employees Union herein after referred to as union filed separately their statement of claim. According to the Association the Life Insurance Corporation which is a State within the meaning of Article 12, has framed regulations called LIC Staff Regulations, 1960. These regulations were framed under the powers conferred upon the Corporation by the Life Insurance Corporation Act. These regulations provide that appointments as specified in schedule 1, shall be on probation and Regulation 14(2) says that "persons appointed to posts belonging to Classes III and IV shall, on the first appointment in the Corporation's service, be required to be on probation for 6 months". Pursuant to this, recruitment is effected and the Corporation adopts a standard procedure for making recruitment. It calls for applications and sponsorships of the candidates from the Employment Exchanges in the region.

3. The concerned nine employees were registered in the Employment Exchange in Bombay. The Bombay Divisional Office was in need of filling certain vacancies in the cadre of Peons, and it called from the Employment Exchanges names ten times the number of vacancies of persons registered with them to be sponsored by the Employment Exchange. Bio-data were required to be supplied alongwith the applications by the sponsored candidates, as also copies of certificates.

4. Accordingly, these nine workmen who are subject of the reference among others had been sponsored and set in their bio-data alongwith copies of the certificates. They were then called for a written test on 25th of April, 1982. They appeared for the test and were called for interview by the end of June 1982. They were selected in the interview and were informed of their selection. They were also required to undergo a medical check up. On the 8th of September, they were also required to submit fresh applications for the post in their own hand writing in the prescribed form. Then they were posted in the various offices of the Corporation. They were also required to complete a staff record sheet before they got their employment, which they did on 13th of September. Appointment letters were then given to them, which were actually received sometime after 13th.

5. The employees continued to be on probation as per regulation 14 from September 1982 to January, 1983. According to the union and the Association, their work was satisfactory. However, their services were sought to be terminated with effect from the February, 1983. The employees come to learn that they were being removed from service on account of their being over-qualified for the posts of Peons. The matter was then taken up by the Association in conciliation and thereafter this reference came to be made.

6. According to the Association, the employees had submitted all the information which was required on the occasions on which they were asked to do so. On the basis of the

information supplied in the staff record sheet, the Corporation came to the conclusion that the employees had deliberately suppressed the fact that they had higher educational qualifications than the ones which were required for the purpose of the posts, and therefore sought to terminate their appointments and not on the basis of the work record or the conduct of the employees in question. According to the Association, they had truthfully answered all the questions and did possess minimum qualifications required for the posts of Peon. They produced documents and certificates required of them and had disclosed their educational qualifications when they filled in the application form in the first week of September before their appointment, and also produced the relevant documents. According to the Association, the employees have been selected and placed in the panel and the recruitment procedure having been gone through, any objection to the eligibility of the application form in the first week of September before they have been issued letters of appointment. Further it was said that the corporation allows its employees opportunities for acquiring higher qualifications and there are others who possess higher qualifications already employed and in class-IV, cadre of the corporation.

7. It was contested that the action of terminating their appointments by the corporation for the reason of deliberately suppressing, according to the corporation, their real educational qualification to secure employment amounts to punishment or action against the employees for misconduct. That notice ought to have been given to the employees to show cause and an opportunity to defend themselves, and an enquiry should have been held and then only their appointments terminated. In fact, according to the Association, there was no foundation for these charges.

8. The Employees Union had also filed a separate statement of claim setting out the eligible conditions of the class-IV employees, as set out in the LIC Recruitment Instructions, 1979. It pointed out that the educational qualifications for candidates for "appointment to posts in Class-II and Class IV shall satisfy the minimum educational qualifications as prescribed in Annexure-I." In Annexure-I, it is Item 9 with which we are concerned. It says "must have passed IX Standard....." The union, therefore says that the recruitment instructions merely laid down minimum qualifications and does not say that higher educational qualifications would disqualify for appointment.

9. Circular was issued by the LIC in April 1980 clarifying the recruitment rules and instructions. The relevant para No. 9 of that clarification circular stated that the minimum educational qualifications for Class IV posts is 9th Standard, and goes on further to say "Their candidates who have passed matriculation are not disqualified for recruitment unlike under the recruitment procedure 1971. It must, however, be noted that the recruitment of matriculates to Class IV posts shall not exceed 25 per cent of the posts filled in by recruitment." Then follows an important rider on policy which are "candidates who satisfy eligibility conditions for the post of record clerks or higher shall not be eligible for recruitment in any post in Class IV." For the Record Clerks, the minimum educational qualification prescribed was SSC with at least 55% in the aggregate, (2) a pass in Intermediate XII Standard of the Higher Secondary with at least 45% in the aggregate. Appointments to the posts of Record Clerk are to be made by promotions from Class-IV Staff. According to the union, of the nine persons "most of them were not eligible for appointment in the cadre of Record Clerks". It then further contended that the workers had shown their originals of certificates and certified copies of their original certificates when they appeared for interview and their selection was made only thereafter, after ascertaining their correct qualifications. That this was done on the 13th of September 1982 also and the posting orders were issued to them or the next day, i.e. 14th September 1982 in the evening when they joined their duties on the 15th September or thereafter.

10. The Corporation in its written statement also referred to the Staff Regulations 1960, the administrative instructions with LIC Recruitment instructions of 1979, and the clarification circular of 11th April 1980 with regard to re-recruitment instructions.

11. It then relied upon the clarification issued on the 11th April 1980 to which the union also made a reference, which is to the effect that the minimum qualification for Peons, Drivers, etc. is 9th Standard. Candidates who have passed matriculation are not disqualified, but their recruitment shall not exceed 25 per cent and the instructions sent on further to say that those who satisfy the eligibility condition of the post of Record Clerk or higher shall not be eligible, for recruitment to any post in Class-IV. It then set out the procedure for processing applications and inviting applications and stated that an advertisement was introduced which resulted in receipt by the Corporation of a very large number of applications. As their procedure would have taken considerable time and money and therefore, the former procedure of asking the Employment Exchanges to sponsor candidates was adopted.

12. The Corporation then refers to the appointment letter and clause 11 of that appointment letter which refers to the qualifications and information given in the application and that if the Corporation at any time finds later that the employee had passed his matric or SSC or equivalent examination before the date of appointment letter, his service with the Corporation will be terminated. That clause is extracted in para 1. According to the Corporation, by reason of this Clause 11 in the appointment letter there was no contract of employment at all in respect of these nine employees in whose case it was discovered that they had passed their matriculation examination before the date of the appointment letter and they had therefore no claim to the employment of the corporation. It says that after the appointment letters were issued to the persons, it was discovered that these nine workmen had not disclosed their correct qualifications and had got themselves appointed by giving fraudulent information.

13. The Corporation then set out the details in regard to each of the nine applicants, and then proceeded to say that the concerned workmen have deliberately not disclosed the details of their true qualifications and had got the entry into the service. That if they had disclosed their qualifications either at the time of submitting of the applications in the bio-data form or "during the subsequent stage of selection process, but before the issue of the appointment letter" they would not have been appointed. The circumstance that they did not disclose the true qualification when the bio-data form was filled, would render them ineligible to any relief at the hands of the Tribunal. The Employment of these persons were terminated in accordance with sub-regulation 4 of regulation 14, they being on probation for the above reason, for non-disclosure of true and correct facts, which removal was legal and justified.

14. A number of documents were produced by the parties and affidavits were filed by all the nine workmen. The documents filed are proforma applications, and bio-data forms, copies of letters issued calling the persons concerned for interview, specimen application forms, specimen appointment order, specimen termination order, xerox copies of the certificates and the application forms filed with the Corporation by each of the nine persons, the LIC recruitment instructions of 1979, a circular of 1980, xerox copies of the certificates produced by each of the applicants, the appointment order of the nine workmen among others, and a tabulated statement showing the various dates on which the stages of the processing of the applications until the appointment took place, and the qualifications possessed by each and the dates in which those qualifications were claimed. The staff record sheets filled in by the applicants were also produced by the Corporation.

15. For the union, all the nine workmen filed their affidavit, which are in the same form and language. They are merely copies. There is no dispute as regards the various dates between the parties on which the events took place and what was done by each of the persons concerned. The affidavits at the end also say that since the time of removal, applicant has remained unemployed and has continued to be unemployed till the date of filing of the affidavit.

16. For the union, an enquiry report was also called for from the Corporation which enquiry was held in this matter by one Mr. G. R. Mascarenhas on the 7th April, 1963.

17. There is not much dispute between the parties on most of the facts. I will state those admitted facts and the

dates on which these took place and then set out the questions which arise for determination. All the nine persons were sponsored by the Employment Exchange and were required to fill in their Bio-data forms as forwarded by the Corporation.

18. On 10th October, 1981 and also on 24th December, 1981, the Senior Divisional Manager write to the Employment Exchanges inviting a sponsorship of applications from them. Bio-data forms were also sent which were required to be filled in and the forms sent to them alongwith the applications of the persons concerned. This letter says further that those who passed SSC Old Course, i.e. 11th standard are not eligible for the posts.

19. These bio-data forms and applications were received by the Corporation in February 1982 on different dates for these nine persons between 11th February, 1982 to 3rd March, 1982. As to what these bio-data and application forms contain in respect of each, I shall come presently. All of them were further invited to take the tests on 25th of April, 1982 and were called for interview on different dates between 29th June to 1st of July, 1982. Apparently, thereafter, after they were placed in the selection panel, between 2nd September to 9th September all of them were required to fill in an application form. This has to be written in candidates own hand and those were also the dates for their medical examination. As I shall presently point out, these nine persons actually joined duty with effect from 14th or 13th September. Their appointment letters are dated 13th or 14th September, 1982 and were all given to them much later between 15th to 25th September. In all cases, the staff record sheet which was required to be filled in at the time of appointment was got filled in of these persons either on 13th or 14th September 1982. As I shall presently point out, the information supplied by each of the candidates in each case is faulty and was not disclosed fully at the earliest opportunity and occasion. That is a fact which is incapable of being traversed on behalf of the workmen and has been fully established by the Corporation.

20. A statement has been filed by the Corporation which will go to show in respect of these nine workmen, what educational qualifications were disclosed on what dates and what are those stages in the matter of processing their applications.

21. The first point of time when educational qualifications were furnished by these nine applicants was when they sent in their bio-data, as required through the Employment Exchange, i.e. in February 1982. Most of them at that time disclosed the minimum qualifications which were acquired and in some cases the fact that they had passed SSC and HSC. Kale stated that he had failed SSC Examination, Bandardkar and Tawade that they had passed SSC. Gamre that he had passed only 9th Standard, Yeram that he had failed SSC, Chiplunkar that he had passed HSC in March 1979, Pandit that he has passed SSC in March, 1976, Dalvi that he passed SSC and Waikar that he passed IX Standard.

22. As I have pointed out already, the Regional Employment Exchanges were asked to send applications of SSC New Course candidates, old course candidates and 9th Standard passed candidates only. The only person who even at the earliest had shown that he had possessed higher qualification was Chiplunkar who had said that he had passed HSC. If the criteria pleaded by the LIC was to prevail, he should not have been called at all for the test much less for the interview and should not have been allowed to pass through the further stages.

23. The next stage which is relevant is the date on which the candidates were asked to fill in an application form in their own hand writing. A specimen of this application is produced by the Corporation Exhibit W-3 (Page 32). Column 8 of that application requires the applicant to say "(a) Upto what Standard or Class have you studied" and "(b) Are you still studying? If so, mention the Class and the name of School". When this information was sought from the candidates on 8th of September, 1982, almost all of them except Gamre, disclosed that they had higher qualification than what they had originally disclosed in their bio-data. Thus Kale stated that he had passed 10th Standard Bankarkar SSC (Old) Pass, Tawada 10th Standard Passed and, Yeram 10th Standard Fail. Chiplunkar disclosed even lower qualification saying that he had passed 10th Standard

and Pandit and Dalvi retained what they said in the bio-data as also Waikar.

24. The next stage was when they were asked to fill the staff record sheets when they were actually appointed and started working for the Corporation on 13th or 14th September. In all these higher qualifications than those disclosed in the bio-data and also in the application forms on 8th September 1982, were disclosed as possessed by each of the candidates. Thus Kale said he passed HSC (1978), Bandardkar First year B.A. (November 1980) Tawade HSC (April 1979) Gamre FYJC (Arts—April 1982) Yeram FYJC (March 1982) Pandit Inter Arts (April 1977) Dalvi BA (1980) and Waikar 12th Standard (March 1979). Only Chiplunkar had shown lesser qualification, namely SSC instead of HSC which he had already disclosed in the bio-data with the application. It will thus be seen that all these workmen except Chiplunkar had made a faulty statement at the time when they filled the bio-data as also the application forms. The question, however, is whether the LIC is justified in taking the action it took against these persons.

25. The justification for the action is placed on the powers conferred under Regulation 14 Clause (4). The question, however, has to be determined with reference to the letter on the point, the facts as disclosed, and the powers of the Corporation either under the regulations or under the instructions if they can take the action which they have taken. Sub-clause 4 of the regulation 14 says "During the period of probation an employee shall be liable to be discharged from service without any notice". The Corporation only relied upon this power in the case of these persons. It concedes and admits that their period of probation has been terminated on account of their failure to disclose their qualifications which they possessed at the time when they filled the bio-data forms as also their application forms. The contention is that they possessed in fact higher qualifications and had the fact that they were possessing higher qualifications than the minimum qualifications which were prescribed for the post of a peon been known, then they would not have been called for the written test or interview and could not have been appointed.

26. The correctness of his contention will be examined at a latter stage. For the time being I shall confine my attention to the question whether the power to terminate the service during the period of probation can be exercised even in cases where the termination is effected not for unsatisfactory work, but for some other reason like dishonest conduct. The word 'probation' connotes being put on test. That ordinarily would relate to the performance of the candidate for the job, and in the job for which he has been appointed and in which he is on probation. That the probationer's services can be dispensed with if the work is not found to be satisfactory and without giving any reason or giving reasons that his work was not found to be satisfactory would be perfectly within the powers to terminate appointment of a probationer. Such a power is claimed by the corporation even in cases where nothing is said about the probationer's work and its nature, satisfactory or otherwise, but even in cases where the conduct of the probationer is unsatisfactory or the probationer is guilty of some dishonesty, untruthfulness or something of that kind.

27. Reliance was placed upon a decision of the Gujarat High Court reported in 1983 Labour & Industrial Cases (1139) in Sunil Kumar S. P. Sinha, Petitioner Vs. Indian Oil Corporation Ltd., Delhi and another. There the two employees were appointed on probation. The advertisement calling for the applications stated for eligibility, three years experience in a similar position or three years experience of work in the post is indicated in the advertisement. They were appointed with effect from 7th of October, 1978 and the probation was for a period of six months. Show cause notices were issued to them on 5th October, 1979 saying that they have submitted false certificates with regard to requirement of experience. Explanations were submitted nonetheless. Their appointments came to be terminated with effect from 13th June, 1980. It is not relevant to refer to the other contentions. The only contention which was urged and the decision of which was relied upon by the Corporation is the contention that the action was punitive and therefore an enquiry had to be held into the alleged conduct. That contention was repelled and it was held that an enquiry of a confidential nature was made to find out if the

probationer had given correct information and thereafter the services are terminated. It is not a punitive action. No question directly arose in that case as to the power of terminating the services of a probationer for reasons other than unsatisfactory work. However, some observations of the Supreme Court in Manager, Government Branch Press Versus D. B. Belliappa (1979 LIC-I, Page 151), can be set out usefully. "If the services of a temporary Government servant are terminated in accordance with the conditions of his service on the ground of unsatisfactory conduct or his unsuitability for the job and/or for his work being unsatisfactory or for a like reason which marks him off a class apart from other temporary servants who have been retained in service, there is no question of the applicability of Art. 16. Conversely, in the services of a temporary Government servant are terminated, arbitrarily, and not on the ground of his unsuitability, unsatisfactory conduct or the like which would put him in a class apart from his juniors in the same service, a question of unfair discrimination may arise, notwithstanding the fact that in terminating his service, the appointing authority was purporting to act in accordance with the terms of the employment. These observations suggest that the powers to terminate the services of a temporary employee can be employed not merely on the ground of unsuitability but also for unsatisfactory conduct.

28. The other decision upon which reliance is placed is Smt. Sudesh Vohra Vs. State of Punjab and others (1984 (1) SLR Page 71). There the services of a temporary employee, Smt. Vohra were terminated as she did not possess requisite qualification. The still case to be appointed, but the appointment orders stated that the appointment is temporary, though likely to continue and made permanent". But the Govt. was not committed to that here the services were simply terminated as no longer required. The contention was that she did not possess the prescribed qualifications. There also a contention was sought to be raised that she possessed higher qualification than the minimum prescribed. The High Court, however, found that "the connection is not factually correct."

29. For the purposes of this case, it is not necessary to go into the question whether the services of a probationer can be terminated for reasons other than unsatisfactory and on the ground of conduct which is not satisfactory. As in this case, if the appointment follows non-disclosure of all the facts which the applicant-candidate knew and the candidate was guilty of non-disclosure, when he was required to disclose, his conduct clearly is not honest. Assuming therefore, in the present case that the conduct of the workman was not honest and they deliberately failed to disclose the true facts in regard to their qualification and the power to terminate their services during the probationary period is available, the question still remains whether their services could be terminated for possessing higher qualifications. In other words, the question which has to be decided is whether the facts of the possession of a higher qualification was or was not disclosed before the appointment and secondly whether according to the LIC Recruitment Regulations 1960 and the instructions of 1979 issued thereunder, this action was permissible. The circular letter of 1980 stands on a different footing. In other words if possession of higher qualifications than the minimum prescribed under the recruitment regulations and 1979 instructions does not become a disqualification, the question is whether the Corporation can be justified in treating that conduct as unsatisfactory and proceeding to terminate the employment of the probationers. That is a question which requires to be examined with reference to the regulations, the instructions, the processes of appointments and screening of applications. One more circumstance which has also to be considered in this case, and which has transpired from the report which has been filed by the Corporation of Exhibit E-2 of Mr. G. R. Mascarenhas is the fairness of the corporation in taking this action.

30. Section 2 of the Regulations provides for the probation and termination of the appointments. Whereas termination of employment of an employee other than on probation requires certain conditions which have to be satisfied (Sec. 3) that in the case of probationer, is permitted to the competent authority under Clause 4 of Regulation

14 (Under section 2). Under Regulation 4, the Chairman has the power to issue instructions or directions to give effect to and carry out the provisions of regulations and to secure effective control over the staff which is employed. Presumably, it is pursuance of this power under Regulation 4 that these instructions came to be issued by the Chairman with the approval of the Board on 27th November 1979. Para 6 of these instructions relate to the mode of recruitment and procedure for inviting applications. The material ones for our purpose are in para 6 sub-para 4 and 5. They say that vacancies should be notified to the Employment Exchanges and applications called for from them. Sub-para 5 however is important, which says that "The application along with the self addressed envelope shall be initially on a plain paper giving full bio-data of the candidate. The eligibility of the candidate shall be determined on the basis of the application so received and application forms as prescribed in Annexure V, VI, VII" (In this case Annexure V). The eligibility conditions are specified in para 7. As regards educational qualification sub-para 2 says "the candidates for appointment to posts in Class III and Class IV shall satisfy the minimum educational qualifications as prescribed in Annexure I to these instructions". Annexure I specified the educational qualifications and so far as sub-staff are concerned item 9B says "candidates must have passed IX Standard" (so far as is relevant).

31. A perusal of these instructions and the regulations will go to show that the educational qualifications prescribed for sub-staff was that they must have passed 9th Standard. No other instructions or classifications appear to have been issued by the Chairman in terms of Regulation 4 of the Regulations of 1960. In the light of this position, it is difficult to know and understand the authority for the circular dated 11th April, 1980 issued by the P. Chief (Personnel) to all Zonal Managers, and particularly paragraph 9 thereto. The said circular is produced at E-6 page 120, which says "the minimum educational qualification prescribed for the posts of Peons, Watchmen, Liftmen and Drivers is IX Standard. The candidates who have passed matriculation are not disqualified for recruitment unlike under the Recruitment Procedure of 1971. It must, however, be noted that the recruitment of Matriculates to Class IV posts shall not exceed 25% of the posts filled in by recruitment. Candidates who satisfy eligibility conditions for the post of Record Clerk or higher shall not be eligible for recruitment to any post in Class IV." It is not known from where this disqualification is prescribed and from what and how by the P. Chief (Personnel). No record or document has been produced by the Life Insurance Corporation to show that for higher qualified people there was to be a reservation of only 25% of the vacancies and for persons who are qualified upto matriculation examination, namely Old SSC. They were disqualified and were not competent to apply. The disqualification for the post of Peon (class four or substaff) on possession of minimum qualifications for the post of a Record Clerk is spelt out how and from what is not known. The Regulations of 1960 and the Instructions of 1979 do not say so.

32. The source of authority for this rider and interpretation has not been placed before me. As I pointed out neither the instructions nor the regulations, nor even for that matter the letter dated 11th April, 1980, disqualified persons possessing higher qualifications. It is not known how the Senior Divisional Manager on 24th December 1981 wrote to the Employment Exchange, Old Secretariat Barracks that "the candidates who have passed S.S.C. Old Course i.e. XI Std. are not eligible for this post". Similarly, the letter dated 10th October, 1981 also goes to say that "Candidates who have passed old S.S.C. (11th pattern) and those possess more qualifications read not be sponsored." Senior Divisional Manager could not have prescribed on his own disqualifications, unless instructions to that effect had been issued pursuant to the regulations. Such instructions could only be issued since the matter was of general policy of the recruitment of the LIC by the Chairman with the approval of the Board. The source or the authority, therefore, for prohibiting applications from persons who had passed SSC (Old Course) or possessing higher qualifications than 9th Standard or SSC new Course were not to be entertained, is not traceable to the two material documents and none has

been placed before me. The termination of the appointments of these probationer employees is sought to be justified on the basis that they were overqualified. As I have pointed out above, no such direction by the Chairman that such persons possessing higher qualifications than the minimum prescribed for the post shall not be considered are on record. It is understandable and it could be the policy that higher qualified persons in a certain category of posts should not be recruited. But that must be a policy clearly laid down and must be laid down by the competent authority or persons.

33. Even the P. Chief was not competent to issue such instructions unless so authorised and prescribe a policy decisions that persons possessing qualifications for the post of a record clerk are not qualified or that vacancies upto 25% only are to be reserved for SSC passed candidates who were really over qualified than the minimum qualifications prescribed for peons posts. Senior Divisional Manager, therefore, could not by himself lay down this bar.

34. If the bar does not exist and if neither the regulations nor the instructions which are placed before me say that so far as substaff or class-IV was concerned, persons possessing higher qualifications than the minimum were not eligible to apply, the action of the Corporation under Regulation 14(4) would not be justified. The very conduct cannot be considered in a sense becoming liable for being considered as unfair conduct though it may not be honest. The reason put forward for terminating the services of these probationer workmen is not simply that their conduct was dishonest, but that they were overqualified which they did not disclose. That they did not disclose that they possessed qualifications higher than the minimum required, as I have stated is undisputed and an indisputable fact. But as I have pointed out possession of a higher qualification than the minimum is not a disqualification as prescribed or considered by the Corporation under its instruction or regulation placed before me. The P. Chief in his circular letter restricted the number of vacancies for some possessing higher qualifications of a particular kind and negate eligibility to others who happen to be eligible for other posts under the corporation but which had not been advertised. As I have pointed out, such a bar was sought to be raised by the Senior Divisional Manager in his letter to the Employment Exchange Officer in October and December 1981. There is no other dishonest conduct attributed to these workmen. Though it is correct that the employees ought to have disclosed the qualifications which they possessed on the 8th September 1982, as is apparently contemplated in the application mentioned in para 6(5) of instructions dated 27th November 1979. In view of the above it could not be said that these workmen were all disqualified from applying or being considered for appointment as peons.

35. On the other hand, if possessing of qualification higher than the minimum was a disqualification according to the Corporation, then on the 8th of September, 1982, when these applications were given by these 9 workmen as I have already pointed out, except Comre and Waikar, everybody had shown that they had possessed higher qualifications. I may refer to the circular letter of P. Chief (Personnel) once again wherein, he has made it clear that those who are matriculates (this will presumably apply to both old course and new course, i.e. 11th Standard and 10 Standard) are not disqualified but that they should be considered only against 25 per cent of the vacancies. Therefore, at the most, these people including Comre and Waikar were not ineligible but could be considered only against 25 per cent of vacancies. It is not the case of the Corporation that it was misled or it did not consider them only against 25 per cent vacancies which it would have in case the qualifications had been correctly and truthfully disclosed. As I shall presently point out, none of these instructions were borne in mind and even the termination of the probationers for possession of higher qualification was not uniformly done.

36. As I have already pointed out these persons were asked to join duty on 13th. They actually joined either on the 13th or 14th. The appointment letters were issued

much later. As I shall presently point out, the staff record sheets were however got filed in on the same date. It is not understood as to what was the hurry in asking these persons to join before getting the staff record sheets filed in from them. If they joined before the staff record sheets were filled in and as I have indicated, at least 7 of them had already shown that they were overqualified they could not have been, according to the Corporation's standards, allowed to join. The Corporation went, further and even staff record sheets were got filed without scrutinising them which would have disclosed to it that they had higher qualifications than the ones which were disclosed even on the 8th September. If not only asked them to join but want further and issued appointment orders, in most cases after about 10-12 days. It is clear therefore that if the Corporation was so minded, it could have verified, and had all the material before it to see and know what were the actual qualifications of these nine persons, whether they had only the minimum or more than the minimum. I have already pointed out that I am unable to find from the Corporation's record and documents, instructions, circulars and letters that those possessing higher qualifications are not to be recruited or are disqualified for being considered for the posts of Peons (Class-IV). if this is so, then I fail to see how with reference to the eligibility and recruitment, dishonest and unfair conduct of the candidates can be said to have influenced the LIC in recruiting them. The fact that the possession of higher qualifications was disclosed before the actual appointment letters were issued and in any event, by seven of them even before they were asked to join is clearly established.

37. The record clerks qualifications as stated in the instructions are:

- (1) SSC with at least 55 per cent marks in the aggregate.
- (2) A pass in intermediate/XII Standard of the Higher Secondary with at least 45 per cent marks in the aggregate.

38. Curiously not all the nine employees possessed these qualifications even assuming that the circular of 11th April 1980 prescribing disqualifications were to apply. Of them (1) Kale (2) Tawade, (3) Chiplunker, (4) Pandit and (5) Dalvi had either SSC or Interests qualifications. As stated in Ex. A/11-page 44 Kale and Tamde have above 45 per cent marks, but the percentage of marks of others viz. Chiplunker, Pandit and Dalvi are not set out. Therefore even applying the test of disqualifications only two were clearly disqualified. The case of three others is not clear, while the other do not appear to be disqualified for possessing minimum qualifications of record clerk. The yardstick was not uniformly applied. Both, these disqualified as having records clerks qualifications and those not having them have been terminated.

39. I will now refer to the report of Shri G. R. Mascarenhas and some extracts therefrom which are quite illuminating. In para 2, he has stated that by not following the procedure, the divisional office failed to detect these cases earlier. As pointed out, they could have been detected even before the appointment letters were issued in any event and they were asked to join, and in some cases when they were asked to join. In para 9 he says that only after selection and medical examination that printed applications were got filled and that the "appointment letters though dated 13-9-1982 or 14-9-1982, were actually issued to these persons only between 15th September and 29th September, 1982." There has been a failure to scrutinise the applications and the bio-data and failure to follow the procedure which he clearly mentions in para 11 "saving that they were not actually scrutinised, nor the qualifications mentioned in the application forms were tallied with those given in the Bio-data."

40. I do not intend to go into this report in detail, but would like to point how, according to this enquiry, there was a bungling and failure on the part of the Corporation. The circumstance that the employees were actually asked to join on 13th September he notes has resulted in "technically the candidates have already become employees

of the Corporation because of the faulty procedure followed." They should not have been appointed before the appointment letters were given to them listing the terms of the appointment. But what is more be found is that there were four other cases in which higher qualifications were possessed and such employees have been continued by the Corporation in its employment, though these 9 have been terminated. That is in para 14 of the report and these persons are (1) D. V. Teli, (2) S. M. Thakur, (3) C. U. Gurav and (4) S. R. Kamble (Ex-B-2). Of these Gurav and Kamble posses much higher qualifications. Gurav is Intermediate (Commerce) passed and B. Com. Part-I, while Kamble has passed P. D. (Arts) while the other two had stated that they had passed 9th Standard, but actually had passed SSC (10th Standard). The Corporation therefore can not be said to have been exactly fair and just in terminating the appointments of these probationers who had not disclosed their correct qualifications at the earliest stage and were discovered to have higher qualifications.

41. In the circumstances, I am unable to hold that the Corporation is justified in terminating the services of these probationers though as I have already pointed out the probationers—these employees—were guilty of failure to disclose, and of dishonesty in not answering correctly and truthfully, the information required of them in the application form. As I have also pointed out whether that dis-qualified them from being considered for the post of a Peon is entirely another matter. I have not been able to find from any of the documents produced by the Corporation that it was a policy of the Corporation to discourage and not appoint Class-IV sub-staff like Peons, persons possessing higher qualifications. In that view of the matter, I do not think that the decision relied upon on behalf of the Corporation reported in 1983-I, Services Law Reporter (Page-245) Madanlal Gupta and another V/s. State of Punjab and others can be of any assistance to it

42. That leaves the question of relief. Ordinarily where the termination of probationers is found to be bad, they would be entitled to be instated with back wages from the time their probation is wrongly terminated. However, in view of the unfair and dishonest conduct of the candidates, though it has to be held that the termination of the services is improper, I do not think that they should be awarded any back wages. This does not also mean that the Corporation can not take any action against them, if it is permissible under its rules for what was done by these persons. But I do not think, the relief of back wages which should have ordinarily followed should be awarded in the present case. It is possible, if the policy of the Corporation was not to recruit persons possessing higher than the minimum qualifications in a certain category of the posts then by the mere reason of their possessing higher qualifications they might not have been considered. In not making a true, correct and factual disclosure, these persons have fed the Corporation, which by its own inaction and failure also tricked into believing that they possessed only the minimum qualifications as disclosed from bio-data. They were thus guilty of an unfair practice. They must therefore suffer in being deprived of the back-wages which would have ordinarily followed. Award accordingly.

43. It is declared that the action of the LIC in terminating the appointments of Shri N. S. Chiplunker, V. K. Pandarkar, N. R. Tawde, J. A. Pandit, C. S. Dalvi, V. S. Yeram, A. R. Camre, S. D. Kale and P. J. Waikar, Peons, is not justified. They are however not entitled to back-wages, but only reinstatement within two months from the publication of the Award.

R. D. TULPULE, Presiding Officer
[No. L-17011/8/83-D. IV(A)]

नई विल्ली, 5 फरवरी, 1985

का. आ. 689:—श्रीधोगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, नेशनल ब्रैंडले बैंक लि., बम्बई, मिस्ट

रोड बम्बई-400001 के प्रबंधतत्त्व से सम्बन्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट श्रीधोगिक विवाद में केन्द्रीय सरकार श्रीधोगिक अधिकरण, बम्बई के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 25 जनवरी, 1985 को प्राप्त हुआ था।

New Delhi, the 5th February, 1985

S.O. 689.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial No. 1, Bombay in respect of complaints under Section 33-A of the said Act filed by the workman, which was received by the Central Government on the 25th January, 1985.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1 AT BOMBAY

Complaint No. CGIT-6 of 1976

(Arising out of Reference No. CGIT-24 of 1975)

PARTIES :

Kum. M. S. Kanvinde and others

Complainant

V/s.

National Grindlays Bank Ltd., Bombay Mint Road,
Opp. party
Bombay-400001.

APPEARANCES :

For the Complainant—Mr. Subramanian, representative.

For the opposite party—Mr. V. V. Pai, Advocate and
Mr. Vimadalal, Advocate.

INDUSTRY : Banking

STATE : Maharashtra

Bombay, dated the 14th day of December, 1984

AWARD

This complaint by a set of workmen, who were employees of the National Grindlays Bank against the Bank under Section 33-A arises in the following circumstances.

2. A reference is pending before this Tribunal being reference No. 24 of 1975, which was made to this Court on 16th May, 1975. As the complaining workmen were concerned in that reference, they filed this complaint under Section 33-A of the Industrial Disputes Act. Their allegation is that "prior to 16th May 1975 in the Mint Road Branch, the bank had posted two Head Clerks, one for the Current Accounts and the other for the Savings Bank Accounts for issuing tokens to customers presenting cheques for cash". The allegations further say and reveal that the work of the Head Clerks posted at that window or table was "to scrutinise the cheque presented by the customer with regard to date, amount and validity of the instrument on the face of it before issuing the token. They did say that the Bank was motivated with a desire to maximise profits and it is to streamline and economise in many ways and thought of getting rid of the special allowance which has been paid to these persons directed in November, 1975 that the work be taken over by Clerks. They have been doing thus this work for various periods set out in para 8. That though the two Head Clerks were paid special allowance for the work they were doing the complainant-applicants were not paid such special Allowance. They therefore, contend that this was a condition of service relating to that kind of work and on account of the system prevailing in that branch has become a condition of service. Therefore, whosoever worked at that widow and issued tokens after scrutinising the cheques presented by the customers only with regard to date, amount and validity of the instrument were entitled to draw the same special allowance which was being paid to the Head Clerks. They contend that this special allowance was paid for that

work only and therefore that had become a condition of the service and all those who were doing that work had become eligible to the grant of that special allowance. Since the Bank withdrew that allowance during the pendency of the reference, there is infringement of Section 33. No notice of change has been given and the allowance is unilaterally withdrawn. They Bank was, therefore, not entitled to do so and withdraw that allowance and should be directed to pay that allowance and make an Award to that effect.

3. The Bank by its written statement contended that the circumstances referred by the complainants in their complaint do not amount to condition of service. It was only a change in the duties assigned to a particular person and was not change in the service conditions. Service conditions as understood in common parlance relate to the employment and conditions of employment of employees. The assignment of duties as long as they fall within the purview of the duties to be performed by the employee can not be any change in service conditions. The complaint therefore was not maintainable according to the Bank, under Section 33-A, as there was no breach of Section 33. It contended that special allowance was not given to the Head Clerks for merely issuing tokens. "Special Allowance was given and continues to be given to the Head Clerks concerned in consideration of their other duties." It is the management function as to who will be asked to do what work and allocating work and allocating staff to particular kind of work. The work of issuing the tokens by the Head Clerks was not the only work of the Head Clerks, nor was that the only work assigned to them. "The Head Clerks were not paid allowance only for doing this work of issuing tokens." The Bank agreed that at the Mint Road, this work was being done by the Head Clerks, but in all other places, this was done by the Clerks and in order to bring uniformity in the method of work, this was also allotted to the Clerks. That the clerks are transferable and their duties of work are interchangeable. If the complainants had been transferred to another branch they would have been required to do this work without giving rise to any claim for an allowance. They were not required to do any additional duties of Head Clerks and stated that these duties were not higher than mere clerical duties so as to call for a special allowance. It contended that the system of assignment of work and duties allocated changed from time to time and it was a condition of the work and necessity while running the business to decide as to who should do the particular kind of work. As long as that work, which he was required to do was within his capacity as such, there could be no claim or justification for a complaint of any change in the service condition.

4. The parties led evidence in this case and after examination to which it is not necessary to refer, as the facts which are stated therein are not disputed.

5. Those facts are that till 1966, a person designated as passing officer was doing this work of accepting the bearer cheques called cash cheques, scrutinizing them for the purposes of signature date, words and figures of amount, but not verifying the signature and issuing the token. After 1966, instead of a passing officer, person holding the post of Head Clerk and who was also called a Head Clerk occupied this position and was issuing tokens. From the year 1975 clerks were assigned to do this work. According to the evidence of Shri D'Souza he was paid a special allowance for this work for one or two years. But when he was posted to that job from December 1975, he got no allowance. That he protested. In the cross-examination of Shri Pai, it was brought out that there was a mere change of designation from passing officer to Head Clerk and neither the Passing Officer nor the Head Clerk at that time verified the signatures on the cheque with the specimen signature. He was also not required to see whether there is any balance or whether there is sufficient balance. He was not examining the instrument nor was there any limit for him to issue tokens. After the issuance of the token the cheque was to go to the Cheques Department where it was to be passed for payment after scrutiny. It will thus be seen that the work which the person holding the position was doing during the banking hours was to issue tokens against bearer cheques and effect a

primarily scrutiny, if we can say so. The primary scrutiny was confined to the face of the instrument, to check whether there was any discrepancy regarding date, amount and figures, whether the cheque was drawn by the drawee and whether it was drawn by the same person it purported. All other aspects of the instrument such as verifying the signature verifying the balance and passing for payment was not done by any of these persons.

6. As it was clear from the evidence and from the averments of the parties in their complaint whether the persons who were working at this position prior to 1975 were Head Clerks in their own right and designated as such or otherwise, I asked the parties to make a statement in that behalf. They did accept and stated before me that these persons were Head Clerks as contemplated and as recognised by the bipartite Settlement and as such Head Clerks were in receipt of special allowance. Under the Bipartite Settlement in Appendix A, duties earning a special allowance are mentioned. At page 85 item Part-I Item II are the duties of the Head Clerk. Their duties involve :—

- (i) Passing independently cash, clearing and transfer cheques, vouchers, etc. (whether credits or debits) upto and including Rs. 1,000 passing will include verification of signatures and scrutiny as to correctness or endorsements on and other particulars of such instruments. It will also include checking and initialising the relative entries in the respective books of accounts (including ledgers) if in any bank such practice is in existence at present.
- (ii) Checking of vouchers, drafts, pay orders, bill schedules, advice pass books; statement of accounts; books of accounts (excluding ledgers); and interest, exchange, discount; brokerage, calculations and initialising them by way of authenticating them for accuracy/ correctness. Any eventual authorisation of this work wherever necessary under an existing procedure, shall be done by a superior.
- (iii) Primary coding and decoding of telegrams (except check cyphers or symbols) subject to eventual authentication by a superior and/or marking off confirmations acknowledgement of telegrams.

There are other duties also which at the moment need not be considered. The special allowance which has to be paid to those who are doing this duty and are designated as such and the allowance payable is Rs. 49.

7. A contention was urged on behalf of the complainant that Head Clerk need not do all the duties in order to earn a special allowance. Even if he is doing any one of the duties specified he may earn that special allowance. It was next contended that a Head Clerk in this Bank was doing the work which subsequent to 1975 is done by a Clerk. The character of that work I have specified and described above and therefore the argument is that if for this work which the Bank considered so important that it posted a Head Clerk to do it, and paid him a special allowance. Therefore so far as this Bank was concerned, it was a condition and a term of service that all those who work in that position would be getting the allowance of a Head Clerk. It was also pointed out that the bipartite settlement provided for a change to be effected by the Bank's within a certain time and period for allocation of duties. If that was not done by the Bank within that particular period, it meant that the Bank considered the work which was being done as the work of that post. No change was made in accordance with the bipartite rescription of duties of that person. So far as this Bank was concerned, it treated the work as qualifying for the earning of a special allowance. If, therefore, any other person other than a Head Clerk was posted to that position by reason of what the Bank has failed to do and what the Bank was doing, the person became entitled to the special allowance.

8. It is necessary first to examine the provisions of Section 33 and 33-A and then to find out whether there is any infringement of Section 33 and whether the complaint is maintainable. Section 33-A places an independent tool in

the hands of the workmen which has the same competency as that of a reference in certain circumstances. It prescribes certain conditions which must be satisfied before a complaint can be entertained and treated as a reference. Apart from the requirement that it must be during the pendency of the proceedings there must be a contravention of provisions of Section 33. We are therefore referred to the provisions of Section 33, the contravention of which must be established by a workman complaining during the pendency of conciliation proceedings or proceedings before a Labour Court or a Tribunal in order that this complaint can be entertained.

9. Now turning to Section 33, it will be seen that it gives three classes of workmen whose cases are governed by sub-sections 1, 2 and 3. We may for the time being leave aside the other sub-sections 4 and 5. Each of these sub-sections is in two parts and gives two distinct aspects of the matter. The first part relates to alterations and changes in service conditions and the other with regard to punishment by dismissal or otherwise of the workmen. Sub-section 3 deals with a special class of workmen called the protected workmen. But otherwise the requirement of all the three sub-sections is identical. We are not in this case concerned with any question of punishment and therefore the only provisions which have to be seen are provisions contained in Clause 'a' of Sub-sections 1 and 2. While sub-section 1 of Section 33 speaks of matters connected with the dispute, sub-section 2 speaks of matters not connected with the dispute. Between them, therefore, the two clauses and two Sub-sections exhaust all those matters which are related to service conditions and alteration or change is prohibited during the pendency of an Industrial Dispute; if the matter is connected with the dispute without the express permission in writing and if the matter is not connected with the dispute only in accordance with the standing orders applicable or the contract of service as the case may be. In other words, it is only with the express permission in writing of the authority before which the dispute is pending that an employer can alter the service conditions of workmen in regard to any matter connected with the dispute. Where the service conditions which are in question are not connected with the subject matter of the industrial dispute then the employer can effect the change only in accordance with the standing orders or the terms of the contract as the case may be.

10. Now in the present case, an industrial dispute which is pending before this Tribunal related to the introduction of mechanisation in the five branches of the Bank in Bombay. The person in question is not connected with the dispute in the sense his work is not being taken over by the machines. The question whether a Head Clerk should issue tokens or a Clerk should issue tokens has nothing to do with the mechanisation, nor was it attempted by the Bank or suggested that issuing of tokens was going to be mechanised. Therefore, only applicable section could be sub-section 2 clause (A). In other words, therefore, it is only if the service conditions "applicable to that workman" were sought to be changed during the pendency of the proceedings, then only if the matter was not connected with the dispute as in the present case, the employer had to proceed either in accordance with the provisions of the standing orders or in accordance with the contract between the parties. The conditions of the service "applicable to that workman" sought to be changed must be those which are "immediately (applicable) before the commencement of such proceedings".

11. It will thus be seen that in order to bring the complaint within the ambit of Section 33-A and 33, it must be established that the conditions which were applicable to the complainant-workman were sought to be changed during the pendency of a dispute even though the conditions had nothing to do with the dispute, and the workman complaining must be a concerned workman. In the present case, the workman-complainant is no-doubt a concerned workman. He was concerned with the dispute of mechanisation if not directly indirectly as it affected workmen in general and caused their displacement. According to the union, the matter was connected with the dispute even if the work is issuing token is not the subject of dispute of mechanisation. It is no body's case that the employer followed in this case the provisions of the standing orders, or where was a provision in the contract, by which the change sought to be effected was permitted. For the Bank, it was contended firstly that

it was not a condition of service and secondly even if assuming it is a condition of service, it was not applicable "to that workman immediately before the commencement of such proceedings".

12. It seems to me that the short sufficient to this complaint would be that the complainant has failed to prove that his case falls within section 33 or that he succeeded in showing any infringement of the provisions of section 33. There is a slight difference in the wording of sub-clauses a of Sub-sections 1 and 2. That does not however make much of a difference in this case, because in Sub-clause a of Sub-section 1 a plural is used. Instead of 'that' the word used is 'them'. In sub-clause a of Sub-section 2, it refers to that workman. What has to be established as a primary requisite in this complaint is that the conditions of service applicable to the workman complaining are the ones which he says have now been changed. It is not his case that he was in receipt of any allowance which was taken away. His case is that he is not being given an allowance which was being given to Head Clerks who were doing that work. Apart from the fact that the person who was doing the work was a Head Clerk and was in his own right drawing special allowance, what the complainant-workman in this case is claiming is not alteration in the conditions of his service applicable to him just before the commencement of the proceedings, but denial to him of certain allowance which may be a condition of service for a Head Clerk, when he doing the work that was being done at that time by a person of the position of Head Clerk. As I have already pointed out though he was doing the work and designated as a Head Clerk, he was doing and discharging only a part of the work which did not involve any additional responsibility or burden. Under the circumstances if his conditions of service which were applicable just before the commencement of the proceedings were not changed in that no allowance which he was in receipt of, is being denied, it is difficult to see how Section 33 is attracted. At the most, the employee would be entitled to say that he should have been paid, what was being paid to others when they were doing that work. But he cannot say that any change was effected in his service conditions which were prevailing and applicable to him before. On that count this complaint must fail. It was therefore, rightly contended for the Bank that the complaint should have, if he was so advised, filed an application under Section 33-C(2), and complaint under Section 33-A can be maintained, as there was no infringement of the provisions of Section 33.

13. Alternatively it cannot be complained that contrary to the agreement and bipartite settlement, the complaining employees are required to do work involving higher responsibility and falling within the sphere of duties attracting a special allowance. As we have seen above the Head Clerks duties are much more onerous than issuing a token upon primary scrutiny. Merely because the Bank in its wisdom was continuing and posting a Head Clerk to do the work of a Clerk, a Clerk posted to do that work cannot say that he was entitled to that allowance. What the Head Clerk was getting was not because he was doing that particular work but he was a Head Clerk and in his own right entitled to the allowance whether he was asked to do the work of a Head Clerk or not. It was the Banks discretion, and if we can say so managerial wisdom, to employ a responsible better paid workman to do an ordinary kind of clerical work or duty. What must be borne in mind is that it was not the class of duties which qualified for the allowance but it was the fact and coincidence of a workman better paid and entitled to an allowance as of right was doing that work. This cannot become a change in the "service conditions applicable" to the complaining workman "before the proceedings commenced" nor in the circumstances non-payment of any allowance to such an incumbent become a breach of conditions of service governing persons expected and required to do that kind of work.

14. The complaint therefore must fail and is rejected. Award accordingly.

R. D. TULPULE, Presiding Officer

**BEFORE THE CENTRAL GOVERNMENT INDUS-
TRIAL TRIBUNAL NO. 1 BOMBAY**

Present

Dr. Justice R. D. Tulpule Esqr.
Presiding Officer

CGIT

Complaint No.7 and 8 of 1976

PARTIES:

Kum. M.S. Kanvinde & 5 others : Complainant
V/s.

National & Grindlays Bank Ltd.
Bombay Mint Road,
Bombay-400001. : Opp. party

APPEARANCES:

For the Complainant—Mr. Subramanian, Representative

For the opposite party : Mr. V.V. Pai, Advocate and
Mr. Vimadalal Advocate
Industry : Banking. State : Maharashtra

Bombay, dated the 27th day of November, 1984.

AWARD

These two complaints can be taken together, as a common question of law and common contentions have been raised for the Bank, though the facts are different. Both complaints have been filed during the pendency of a reference No. 24 of 1975 which was referred to this Court on 16th May 1975. Complaint No. 7 is preferred by a Head Clerk and sponsored by his union, the National & Grindlays Bank Employees Union, whereby it was contended that the complainant who was a Head Clerk was posted in the Mint Road Branch to the Correspondence Department. The Correspondence Department before his posting was handled by two persons, one officer and a Special Assistant. The officer and the special assistant were doing duties which are set out in paragraph 6 and 7 of the Complaint. It was contended that the work in the correspondence department is a responsible work requiring special attention and responsibility. That is why it was entrusted to an officer and a special assistant. The duties which he has been doing since being posted in correspondence department are set out in paragraph 9. It was the contended that since he has been asked to do this work of a special assistant and an officer in the correspondence department, he is entitled to an allowance or remuneration which was not given to him and he was asked to work without any remuneration. That he requested that he should be paid allowance, but that was not done. His posting to the correspondance branch and the removal of the officer and the special assistant was with a view to economise, reduce the cost, increase the profits and reduce the number of workmen working in the Bombay branches, the reduction of whose strength is a subject matter of the reference No. 24 of 1975. That non-payment of allowance or remuneration when the Head Clerk applicant was required to shoulder heavier duties and greater responsibilities was an alteration in his service conditions. The employee is a concerned workman and since this could not be effected without the express permission from the Tribunal which was not sought, the complaint should be enquired into and an award of the Tribunal given.

2. In complaint No. 8, four grievances were made out. In respect of each of them, the complainant union alleges that the employees were in enjoyment of those particular benefits in Bombay and they have become therefore part of their service conditions. In 1975, these were unilaterally withdrawn by the Bank. That reference No. 24 of 1975 was then pending. Since these items, i.e. the facilities or concessions had acquired or had hardened into service conditions any changes therefore unilaterally without the permission of

the Tribunal or without following the provisions of the standing orders is violative of the provisions of the Section 33 of the Industrial Disputes Act and therefore the complaint should be enquired into and appropriate relief awarded to the workmen.

3. At the hearing, however, the union stated and on behalf of the Bank, it was accepted that out of the four subjects of dispute raised, namely late attendance, concession to leave once early on festival day and eve of festival days (3) Phone calls; and (4) change in acting system, all but one have been restored and settled. In other words, except for the controversy which now remains with regard to concession which the employee was enjoying to leave office on festival days and on the eve of the festival days, the other subjects of grievance in this, complaint have been remedied and do not call for adjudication. In this complaint, therefore, the only question which has to be decided is whether the concession to leave once early on festival days or on the eve of festival days had become, or was a service condition of the employees at Bombay and whether its withdrawal was an infringement of Section-33. This withdrawal of the concession, it is not claimed was a matter connected with the dispute which was pending in reference No. 24 of 1975, though the workman concerned were undoubtedly concerned in the dispute.

4. The Bank, in its written statement in complaint No. 7 has contended that the conditions of service really mean the conditions which are connected with items mentioned in Schedule 4 of the Industrial Disputes Act and that any change in the duties assigned to workmen can not become any subject of complaint on the ground that it is a change in the conditions of the service. Employees do not have vested rights to any particular kind of work and have to do any work which would be allotted to him and at whatever place, provided the work in such that it could be properly assigned to him. The contention of the workman and the union that the work which was assigned to him was of higher order and more responsible is not correct. It is only clerical work and it is for the management to decide who should do which work as long as it was clerical work which could be assigned to a Head Clerk. It contended that the officer and the special assistant have to do in the correspondance section "much more than what it listed is those paras (6 & 7). The listed items only give the items of purely clerical nature." So far as the duties which were being discharged by the complainant, the bank says that they are of clerical nature.

5. It is said further that "the work is not the same as was done by the officer and the special assistant" and the duties which are performed have to be performed by a Head Clerk, although duties listed in items No. 3, 5, 12, 15 to 18 and 20 to 22 are merely of a clerical nature. According to it, no request for special allowance were however made. There was no question therefore of refusal and the employee-complainant was not required to work in place of an officer and special assistant. As a Head Clerk he is expected to handle work involving more responsibility and being more experienced and drawing more salary, was entrusted with work which called for more care and caution. The work entrusted to him was a mere matter of readjustment and not displacement and was decided upon during the process of rationalisation of the working of the Bank. Transfer of a Head Clerk from one department to another and requiring to work in another branch does not amount to a change in service condition.

6. With regard to the complaint relating to withdrawal of concession to leave office early on festival days and eve of festival days, it contended that this not and could not be a condition of service and the Bank authorities used to grant in their discretion permission to them either on the festival days or before or on the eve, "if otherwise he could be spared and his work was done by them".

7. It referred to its practice which was a subject of controversy of permitting 10 minutes grace time for reporting for duty. It was a concession and not a right. It could not, therefore, according to the Bank, become a condition of service.

8. We shall firstly refer to Schedule 4 and Section 33 of the Industrial Disputes Act. The contention of the Bank mentioned above, particularly with regard to the complaint of Head Clerk (Complaint No.7) Mr. Kirtikar was that the complaint does not relate to any condition of service. That contention was raised with reference to the IV schedule, and it was urged that since was complained of is not a matter

which is covered by any item of the fourth schedule it may not become the subject matter of a complaint. I do not think that this contention can be correct. Item 3 in the fourth schedule refers to "compensatory and other allowances", while item no. 8 refers to "withdrawal of any customary concession or privilege or change in usage". The claim in complaint no. 7 was of allowance or compensation for shouldering work of two people, an officer and a special assistant by the concerned Head Clerk. I will come to the other aspect which was raised, namely, that the complainant was not maintainable, but if that complainant was aggrieved and was contending that he was entitled to an allowance for doing the work involving greater responsibility in a higher cadre, then he ought to have made an application under Section 33-A(2). Even if we were to consider his claim as denial of a compensatory or other allowance to him, as a condition of service, when a person is required to shoulder higher responsibilities or officiate in a higher post, it would certainly be a condition of service which would fall under item 3 only i.e. compensatory and other allowances. Compensatory allowance only means compensation for something. Where work of a higher order, work involving higher responsibility, work not falling within the category of the work which the workman was bound to perform, would give rise to a claim for payment on account of that work, which can then be described as compensation. Therefore, it will also fall under what is otherwise known as officiating allowance or an allowance for performing special duties. The position is still simpler when we go to the other complaint of withdrawal of concession. Item 8, as I have extracted above refers to such withdrawals or customary concessions. That this was a concession, the parties do not dispute. I do not think that even the Bank has disputed that it was not customary for it to grant that concession. The argument, therefore, that it was not a change in service condition is difficult to accept.

9. We then come to Section 33 and 33-A. Section 33-A empowers workmen who are aggrieved by the employer's contravention of the provisions of Section 33 to approach the concerned authority and seek an adjudication upon their complaint, which then takes the shape of a reference and results in an award. In order to attract Section 33, therefore, a proceeding must be pending before the authority and the workman must be concerned in that proceeding or subject pending before the concerned authority. If the concerned workman has a grievance in respect of a matter connected with the dispute, then it is clause 4 of sub-section 1 which is attracted. While it is clause 4 of Subsection 2 which comes into operation if the matter is not connected with the dispute. The dispute which was referred reference No. 24 of 1975 to this Tribunal related to the justification of introduction of mechanisation in Grindlays Bank, at its Bombay main office and some branches in current accounts department, and it it was justified, what could be the relief and to what extent and what relief should be awarded to the workmen. That these workmen was concerned in the dispute was not disputed. So far as withdrawal of the concession and the clerical staff involved there was concerned, since mechanisation is going to affect generally, clerical staff in the current account department or any other department, they will undoubtedly be concerned in the dispute. There is no difficulty since clerical staff is transferrable from one department to any other even if they are not working at the relevant time in the current accounts department, they would still be concerned with the mechanisation dispute. That is also the position of a Head Clerk employee, as he would equally be one of the affected and the concerned workman. Taking a view that only such workmen would be concerned who are directly affected whose jobs are likely to be taken over by the mechanisation can alone be described as concerned workmen, is taking, in my opinion, too narrow a few of what the dispute is. The dispute relating to mechanisation affected not only clerical staff in the current accounts department, but the action of mechanisation is likely to result in rendering some of the workmen surplus, would result in displacement, reduction of workmen as also changes in their duties and at the same time opening opportunities for the job of a machinist. All the clerical staff, therefore, and all workmen are concerned in both the disputes. In complaint No. 7, the person concerned is the disputant as he himself was being denied, according to him, compensatory allowance for doing the work and discharging the responsibilities till then discharged by an officer and a special assistant. The workmen as a class were concerned with the withdrawal of the concession and workmen as a class, particularly class-III staff, was

concerned with the results of the mechanisation and therefore, concerned with the dispute. Both the complaints do not raise a question which can be straight away connected with the dispute. However where a person is required to discharge the work involving, as contended, higher responsibilities and more onerous, whether he must be paid or not and whether in the particular case, the work was of such kind may not have anything to do directly with mechanisation and its scope, or effect of mechanisation on the clerical staff as a whole. So is the position with regard to withdrawal of the concession. It is not, however, the case of the Bank that if these can be said to be conditions of service, and they were not connected with the dispute, the changes were effected by the Bank in accordance with the standing orders or in accordance with the terms of the contract. That if these were conditions of service they were inapplicable to the workmen concerned before the commencement of the proceedings is also not in dispute, so far as the concession part is concerned. So far as the allowance claimed by the complainant head clerk is concerned, I do not think that it can be seriously disputed that it falls within the bipartite settlement chapter 5, paragraphs 5.6 and 5.8, item 19 part 1 in Chapter 9. Item 9 regarding allowance and paragraph 9.10. can cover the claim of the Head Clerk for payment of special allowance payable to a special assistant and officiating allowance for the work he is doing for the officer.

10. To clear the ground, it would be convenient to refer to some factual aspects and put them out of the way. Evidence was laid by complainant, Kirtikar in complaint No. 7 and by Mahajan in complaint No. 8.

11. Mahajan joined the Bank in 1954 and says that since the time he joined, a concession was being extended by the bank to its employees to leave office early on festival days and also on the eve of festival days. He then lists such festivals and also mentions the fact that notice used to be displayed on the notice board with regard to the concession and the availability of concession to the staff. Mahajan admits that the notice also used to say that workmen wanting to avail of the concession should finish their work and that the particular concession was made available where he festival was relating to a particular religion professed by the employee concerned. The controversy in dispute is centred round whether the employee can leave whether his work was completed or no, and what was the nature of the work which has to be completed. As per the employee, it related only to the important work which he had to finish before leaving. Though no prior permission of the head of the department was necessary, remaining work may be completed by the concerned workmen on the next day. For the bank no evidence was laid.

12. Kirtikar in his evidence stated that he was transferred to the correspondence department and after his transfer, he alone was looking after the department and the officer and the special assistant were taken away. Though he performed the duties which were performed by the officer and the special assistant, he was not paid for doing this work. Kirtikar has retired and the bank placed emphasis on the circumstances that all his dues were settled and paid to him and that he had not at that time represented that any claim was outstanding, though he could have made any claim for being paid this extra payment for the extra work, which according to him was imposed upon him and which is accepted by the complainant. Presumably this was sought to show that there was not really any extra work involved, and it would therefore follow that if it was so Kirtikar would have laid a claim and would not have agreed to the settlement of his dues.

13. A number of decisions have been relied upon to substantiate the contentions advanced on behalf of the bank, namely firstly, that the remedy by way of a complaint does not lie and that Kirtikar should have filed an application or petition under Section 33-C(2). Secondly that neither of these complaints would amount to change in service conditions. I would briefly refer to the decisions to point out how they are not applicable.

14. Mr. Vimadalal relied upon the decision in All India Corporation, Bombay V/s. V. A. Rebello and another, 1972 Vol. I LLJ, Page, 501, where the provisions of Section 33-A were considered. That was, however, a case

of misconduct which would have come under clause 'b' of sub-section 1 or sub-section 2. The case has really no direct application except that it says that the master may be considered on merits also where complaint under Section 33-A is raised.

15. Reference was also made to two decisions to indicate what according to the bank can be considered properly as a condition of service and what is meant by a matter being connected with the dispute. The first decision was the decision of Shri K. N. Vamadeo, Chief Justice as he then was of the Rajasthan High Court, reported in 1959 Vol. I LLJ, page 402. There the complainant was for non-payment of wages during the period the complainant was injured as a result of accident and as a consequence was hospitalised. The dispute which was pending before the tribunal was in connection with the demand for bonus for the years 1953-54 and 1954-55. The accident had taken place in 1957. While rejecting the complaint under Section 33-A, it was held that even if the workman can be said to be concerned with the claim for bonus for the years 1953-54 and 1954-55, deduction of wages for the year 1957 is not connected with the dispute of bonus for the years 1953-54 and 1954-55.

16. I have already pointed out that so far as complaint No. 8 is concerned, it falls under sub-Section 2 of Section 33 which deals with matters not connected with the dispute and that a procedure is required to be followed in case of alterations or change in the terms and conditions of service.

17. In 1981 LLJ Vol. 2, page 223, where the complaints alleged that there was a reduction in the avenues for promotion to them by reason of a change in the eligibility sought to be made by the circular brought in force by Reserve Bank of India, it was held that the reference to the Tribunal which employed the word 'promotion' did not cover the case of promotional avenues and consideration thereof was not therefore connected with the dispute. For the reasons pointed out above, we are equally not concerned with this decision.

18. However, it may be necessary to refer to the decision in 1980 Vol. 2, LLJ page 92, where the expression 'conditions of service' was interpreted and considered. This was relied upon for the Bank to contend that when Kirtikar was asked to work in place of the officer and the special assistant, that did not amount to change in the conditions of service. In that case certain conductors doing the work of Cashiers who were directed to go back to their posts as conductors. They were never appointed as cashiers either temporarily or permanently and therefore, this could not be treated as a reversion. Reliance is placed upon the observation, "Mere asking some employees to perform some duties which are normally performed by persons holding higher posts does not have the effect of temporary appointments in the higher posts". Reliance in that case was placed upon the Supreme Court decision in New India Motor (Private) Ltd. V/s. Morris (K.T.) (1960-I LLJ. 551). But it was pointed out that mere allocation of work to any workman for a long period can not be raised to the level or status of condition of service or employment of such workman. The conductors in that case had been doing the work of cashier for quite some time. I do not see how, this decision can be of any assistance to Mr. Vamadalal.

19. It seems to be that there is some misconception in regard to the claim of the complainant in this behalf. The claim of the complainant, as I have understood it to be, is that he was doing the work involving higher responsibilities for which even under the bipartite settlement, he would have been entitled to claim either a special assistant's allowance or an officiating allowance. That the work which he was doing entitled higher responsibilities and was of a kind which could only be entrusted to higher category of staff was sought to be illustrated and exemplified by the circumstances and fact that it was being done by an officer and a special assistant for a number of years. The very same work was transferred to him. Therefore, it was the contention that the work was of a higher character and quality involving higher responsibility than that of a Head Clerk, which made him eligible for special allowance or an officiating allowance. Looked at from this point of view, this case would be of little assistance. What has got to be decided and determined is whether the work which was being done in the correspondence department and the work which was required to be done by Kirtikar is of an important nature involving higher responsibility like

that of an officer or a special assistant. That is mainly a question of fact.

19. A reference was then made to the decision in the Hindustan Lever Ltd. and Kam Mohan Ray and others, 1973 Vol. I of LLJ page 421. That case recognised the right of the employer to organise his business and to rationalise it. There are, however, certain other matters dealt with and contentious disposed of in that decision, which should be of assistance to us. Reorganisation, there, was sought to be brought under the item "retrenchment" in the 4th schedule which was repelled though admittedly, there were voluntary retirements and non-filling up of vacancies. In that case, the principle laid down in Parry & Co. (1970-I LLJ page 429) that "the employer has the right to decide the staff complement and to fill only such jobs as continued to exist and not automatically replace every individual" is clearly established. It was therefore, suggested that removal of the officer and special assistant from the correspondence section and replacing them by a Head Clerk fell within the managerial prerogative. There need not be any controversy on that point.

20. A number of decisions, however, were referred to indicate as to what would be conditions of service such as to attract operation of Section 9-A. The only decision which may be referred in this context is the decision in workmen of Hindustan Shipyard Ltd. V/s. I.L.T. (1961-II LLJ, page 526). There the question was of withdrawal of concession of coming late by half an hour and whether Section 9-A was attracted. The Tribunal held that Section 9-A did not apply. The High Court did not express any opinion, but merely refused to interfere in its writ jurisdiction as there was no manifest injustice. The principle stated is as follows, "Whether any particular practice or allowance or concession had become a condition of service would always depend upon the facts and circumstances of each case and no rule applicable to all cases could be pulled out." In other words, therefore, for complaint No. 8, the question has to be decided not with reference of any decision, but whether the particular practice and concession which was allowed to the workmen "had become a condition of service". For the reasons which I have given and the evidence to which I have referred. I am inclined to think that the concession to leave office early was a practice which had become condition of service on account of its long observation.

21. One of the arguments which were advanced by Shri Vimadalal in the present case was that a application under Section 33-C(2) should have been made, and not a complaint under Section 33-A. This was particularly with reference to complaint No. 7. That very contention was raised on behalf of the employer before the Supreme Court and it was held that payment of wages was one of the most important condition of service and the non-payment of wages or refusal to pay wages would become in certain circumstances "a permanent alteration in the conditions of service". In the present case also, according to Kirtikar, he has been refused payment of allowance, though requested of a special assistant or an officiating allowance. That is required to be paid according to him by the terms and conditions of service as agreed on the bipartite settlement. The question whether the work which Kirtikar was called upon to do attracted a special allowance or an officiating allowance, whether a case therefore was made out or no is a question which requires to be adjudicated. It is not a mere question of computing a benefit where a claim is made and is not granted contrary to a settlement award or rule. It is not merely a question which falls squarely and only within the ambit of Section 33-C. Besides, I do not think that the jurisdictions under Section 33-C or 33-A are so compartmentalised or watertight that a particular case may not fall under both Sections 33-A and 33-C provided the other conditions were satisfied.

22. On behalf of the workmen in this context, reference is made to a decision reported in 1976 (I) LLJ page 90 where a claim was made for the payment of the allowance of a Special Assistant. On consideration of the evidence in regard to what the workman was doing and whether that work entitled him to the allowance admissible to a Special Assistant, it was held that the workman concerned was discharging additional duties and functions requiring greater skill and responsibilities over and above the routine duties and functions of the workmen in the same cadre. It was also held that "to be entitled to the special allowance one need not do all the duties mentioned in Appendix 'B'. (duties of a

special Assistant) It was therefore urged that if some of the duties either of a Special Assistant or an officer were performed or were liable to be performed or were performed by another person, then he became entitled to the allowance, as he was discharging "additional duties and functions requiring greater skill or responsibilities."

23. Mr. Vimadalal pointed out that this was a case under Section 33-C(2) and not a complaint under Section 33-A. I do not think, as I indicated above that makes any difference. In complaint No. 7, what we have to decide is the very question whether additional duties involving greater skill and responsibilities were performed or discharged by Kirtikar. If that was so, an application under Section 33-C may be, but a complaint would also be maintainable, provided other requirements exist.

24. The last of the case, in this context which may be incidentally relevant is M/s. Tata Iron and Steel Co. Ltd. V/s. the workmen and others [1972(I) LLJ page 259] wherein the Supreme Court observed that "due to long usage and other factors Sunday as a holiday may for conceivable reasons have assumed important for workmen." There, the company has introduced staggering hours and schedule for work in the various mines and altered rest days, depriving some workmen of the Sunday which was a rest day before. The question was whether there was a right to Sunday as a holiday and whether it fell within the item of the Fourth Schedule. It was held that item "hours of work and rest intervals" was wide enough.

25. Reverting back to the question whether what was being done by Kirtikar involved additional skill and responsibilities, we have to refer to paragraphs 6 and 7 and paragraph 9 of the statement of claim and their traverse in the written statement. For the Bank in para 10, of its written statement, it was stated that the officer and the special assistant in the correspondance department have to do "much more than what is listed in these paras" (6, 7). However, there is no evidence to say what other work was being done either in the Correspondance Department or elsewhere. It does not appear to be the case that after finishing their work in the correspondance department, both officer and the special assistant's services were utilised in some other department. As I have pointed out earlier, the bank has not laid any evidence in this behalf.

26. In para 12, it was stated that the work was not the same as that of the officer and the special assistant, since sufficient light was not shed on these aspects of the matter during the course of the arguments and the submissions. I asked the parties to state if it was a fact that the officer and special assistant were discharging the duties in the correspondance department as stated in statement of claim para 6 and 7 and whether Kirtikar was discharging the duties set out in para 9. It was agreed and conceded by both on behalf of the employer as well as the employee though whatever is stated in para 6 & 7 is the same as it appears in para 9, though it is not arranged in the same manner and is somewhat jumbled. In other words, it is admitted that all those duties which were being performed by an officer and special assistant as set out in para 6 and 7 were being performed by Kirtikar. I have already pointed out that for the Bank no evidence has been laid, to show that besides these duties set out in para 6 and 7 in correspondance branch the officer and special assistant were doing some other work or in some other department. This however is not conclusive of the matter. Merely because the Bank had entrusted the work in the Correspondance Department as specified in para 6 and 7 to the officer and special assistant, it does not follow that when it was being discharged by Kirtikar, Head Clerk, that involved additional responsibility or skill. That needs to be proved independently. It may be that the Bank in its managerial wisdom or for its own reasons thought of utilising the services of an officer and a special assistant in the correspondance branch, though it is not a work which involved additional responsibilities or skill necessitating the appointment of an officer and/or a special assistant.

27. For this purpose, on behalf of the workmen, reliance was placed upon the operations manual and the general nature of the work in the correspondance department as far as the character thereof. According to the workmen, the very nature of the duties and considering the business of the

Bank, and what is likely to be and what are likely to be received in the Bank's mail, the work was of a responsible nature involving great care and caution on the part of the workmen attending to it. That is why, it was contended, that responsible persons like an officer and a special assistant were, for a number of years looking after this work. In a drive for economy and reducing costs, the Bank has chosen to entrust that work to one person only. If it was routine work ordinarily required to be performed by a Head Clerk, there could be no objection. But if it did involve greater responsibility, more skill, caution and care, then the incumbent would be entitled to ask for payment of special assistant's allowance or for officiating allowance for an officer.

28. The operations Manual says what must be done in the mails or correspondence branch and what care must be exercised. Reliance was placed upon instructions in paragraphs 5, 6, 7, 8 and 9 in particular to show that the nature of the work involved greater degree of responsibility and care and it was an important kind of work. Instructions classify mail into ordinary mail and registered mail. Though ordinary mail can be handled by one, the instructions were that the registered mail will be handled by two employees of which one will be a designated employee and who will be responsible for supervising the opening and checking of the mail from the time of receipt until the contents have been recorded and delivered to the respective departments."

29. Para 7 gives instructions as to what should be done with regard to registered mail and how it should be further processed. Para 8 indicates the importance in the nature of the work which may come in the way of the correspondence department. It says "Currency notes, other cash items securities, other documents of negotiable value etc. will be kept in a locked box pending delivery to departments

30. Para 9 says "Where cheques, documents of title attached to Bills of Exchange etc. are received in the Mail be crossed and made payable or deliverable to the Bank, at the time mail is opened."

31. Having read the Operations Manual and in particular the operations a Bank and the portions to which I have made a reference above, it seems to me difficult to agree with the bank that the work which was being done was a fact of clerical work and was nothing but clerical work ordinarily intrusted to Head Clerk, that it was important and involving higher responsibilities and a degree of special skill care and caution seems to me goes without saying. The duties of a Head Clerk are in Appendix A Part-I item 11 of the Bipartite Convention. I do not think that they can be equated as of equal responsibility and skill as the ones above so that a mere transfer of a clerk from ordinary work involving duties set in Item 11 to the Correspondance branch would be of the same kind character, on my view.

32. The Special Assistant's duties are also in Part-I at item 19. They do involve higher and greater responsibilities than that of a Head Clerk. Work required to be done in the correspondance branch is of a different kind. I am unable to say that it is merely clerical or of the same category as that of a Clerk. In my opinion, it involves higher responsibility, greater care and additional skill. As the Bank would receive and must be receiving numerous valuable documents which include, cheques, drafts, title deeds as also cash, which has to be handled and properly accounted and taken care of by the person receiving it. Where two persons were formerly doing this work and where the Operations Manual also prescribes to persons to do it, it is hardly conceivable to say that it was of an ordinary clerical kind and one man could easily do it with the same ordinary skill and of his normal duties of a Head Clerk. I do not know how if that was so, this Bank would have for a long time use the services of an officer and a special assistant for that job. Its Operations Manual gives detailed instructions and has taken so much care of the proper handling, disposal and processing, particularly of the registered mail. Had it been that the work did not involve as much responsibility as much care and caution and skill as can be expected, as would be brought to bear to that work by a special assistant or an officer, the Bank would not have employed them for that work. If it was routine clerical work, then it would have only laid down that the Clerk must be sufficiently experienced to do that job. It

must not be forgotten that this Bank is entitled to deal in foreign exchange and has also overseas transactions connected with import and export business. It seems to be clear that a watchful, responsible and dutiful employee could only fill the bill, considering the nature of the work required to be handled. The Bank would be quite selective in its appointment of the incumbent. I am unable to think that the work did not involve additional skill and responsibility. The result therefore is that the work which was entrusted to Kirtikar was of a higher order than that of a Head Clerk under the bipartite agreement and in terms of the conditions of the service, the Bank was bound to pay higher compensation. In this peculiar case, the work being done, was being done by two persons Special Assistant and an officer would give raise to two kinds of allowances, officiating allowance and special assistant's allowance. When the claim was refused, an application under Section 33-C (2) alone could not have been adjudged without considering the character and nature of work.

33. On behalf of the union it was stated on the question of relief that the employee may be paid a special assistant's allowance. I think that is the only allowance which can be paid in present case. For grant of officiating allowance, the pre-requisite could be an order in writing to officiate in a post of higher cadre. This was not done admittedly.

34. In complaints Nos. 7 and 8, therefore, there will have to be an award and direction that Kirtikar should be paid Special Assistant's allowance for the period 9-9-1975 to his retirement or transfer elsewhere at the rate of Rs. 91 minus the Head Clerk's allowance paid to him already. With regard to complaint No. 8, it must be held that the Bank's withdrawal of the concession of permission to leave on the festival days or on the eve of the festival days is contrary to the provisions of Section 33 and should be restored. There can be no question of any monetary benefit in this regard. Shri Kirtikar has to be paid any other benefits if admissible in that behalf. Hence the Award.

R. D. TULPULE, Presiding Officer
[No. L-12014/1/85-D IV.A]

K. J. DYVA PRASAD, Desk Officer

नई दिल्ली, 29 जनवरी, 1985

का० आ० 590—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार कृष्ण ग्रामीण बैंक, गुलबर्गा, के प्रबंधतान से सम्बद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्विष्ट औद्योगिक विवाद में औद्योगिक अधिकरण, बगलौर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 23-1-85 को प्राप्त हआ था।

New Delhi, the 29th January, 1985

S.O. 690.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal Bangalore as shown in the Annexure in the industrial dispute between the employers in relation to the management of Krishna Grameena Bank, Gulbarga and their workmen, which was received by the Central Government on the 23rd January, 1985.

BEFORE THE INDUSTRIAL TRIBUNAL IN KARNATAKA, BANGALORE

Dated this the 15th day of January, 1985

PRESENT:

Sri R. Ramakrishna, B.A., B.L., Presiding Officer
Central Reference No. 4 of 1982

I PARTY

Workmen represented by

The General Secretary,
Krishna Grameena Bank Staff

II PARTY

v/s Chairman Krishna

Union, No. 39, Kalyankar
Building, Behind KEB Office.
Gulbarga-585102.

Grameena Bank, P.B. No.
Aswan-e-Shahi Area,
Gulbarga-585102

APPEARANCES :

For the I Party—None present.

For the II Party—Sri M. S. Padmarajaiah, Advocate,
Gulbarga.

REFERENCE

(Government Order No. L-12012(28)/81-D.II(A) dated
26-4-82)

AWARD

The Central Government after forming an opinion that an industrial dispute exists between the above parties has referred this dispute for adjudication in exercise of the powers conferred by Section 7A and clause (d) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947 hereinafter referred to as an Act, specified in the schedule.

SCHEDULE

"Whether the action of the management of Krishna Grameena Bank, Gulbarga in withdrawing the payment of Special Allowance to its employees deputed for training at Mysore, is justified? If not, to what relief are the workmen concerned entitled?"

2. Consequent to the above reference, the same is registered in this Tribunal as Central Reference No. 4/82 and notices are issued to both the parties which was successfully returned for having not served and the I Party after receiving the notice has taken adjournment for filing the claim statement and after some time they started remaining absent and again notices were issued by Registered Post and due to change of addresses the notice returned unserved and ultimately the II Party has filed a statement and the I Party who has remained absent successfully has sent a letter by Registered post which was received in this office on 10-1-85 showing their willingness not to pursue the dispute further as the demands have been met by the II Party for which this dispute was referred.

3. The II Party has contended in their statement that they are the Regional Bank established in 1979 and it is sponsored by the State Bank of India. Under Section 3 sub-clause (3) of the Regional Rural Banks the responsibility for providing training for the employees of the KGB rests with the State Bank of India. The State Bank of India has made arrangements with its associated bank namely, State Bank of Mysore to provide training to the employees of KGB. The State Bank of Mysore Training Centre at Mysore provides training to the employees of the KGB along with the employees of other Grameena Banks sponsored by the State Bank of Mysore in Karnataka. Prior to adoption of Model Service Regulations on 11-8-1980 the Bank was following ad hoc rules framed from time to time based on the direction of the Government of India. The Model Service Regulations were formed and adopted as per the directions of the Government of India.

4. It is further contended prior to 11-8-1980 the employees of the Bank were eligible for daily allowance of Rs. 8.00 per day. Considering the high cost of boarding and lodging in Mysore the Bank was paying a daily allowance of Rs. 15 per day (i.e. Rs. 7.00 more than the eligible daily allowance). It is further contended that after adoption of Model Service Regulations the daily allowance payable to the employees drawing a basic pay up to Rs. 320 per month was Rs. 5.50 per day and in order to compensate the employees the high cost of living at Mysore the Bank decided to pay the same amount of additional daily allowance of Rs. 7/- over and above the eligible daily allowance which was being paid earlier. Hence it is contended the reduction of daily allowance from Rs. 15.00 per day to Rs. 5.50 per day was effected on adoption of Model Service Regulations as no discretion for the Bank in deciding the rates of daily allowance payable. It is further contended that through

typographical error the additional daily allowance was communicated as Rs. 10 instead of Rs. 7.00 and this discrepancy was brought to the notice of the employees and hence there was no reduction at all.

5. The I Party have contended in their letter sent by them dated 5-1-1985 that at present the SBM staff Training Centre is providing boarding facilities to its participants from Krishna Grameena Bank and other Regional Rural Banks and hence naturally the workmen deputed to the Training Programme enjoy the boarding facilities provided by the Centre and in addition to it the Management of Krishna Grameena Bank have agreed to pay Rs. 12 as daily allowance and in view of the decision taken by the Management and to maintain industrial harmony they have decided not to pursue the dispute further, as the amenities and allowances provided at the Training Centre, Mysore exceed Rs. 15 per day which was the cause of the dispute, hence they prayed to treat the dispute as closed.

6. This Tribunal has gone through the contentions raised by both the parties with reference to the dispute and it is abundantly clear that the I Party have satisfied with the amenities and allowances provided to their workmen. In view of the request made by the I Party that they are interested to maintain industrial harmony and decided not to pursue the dispute, I pass the following award:—

AWARD

An award is passed treating the matter as closed.

(Dictated to the Stenographer, transcribed and typed by him and corrected by me).

GSI/-

R. RAMAKRISHNA, Presiding Officer
(No. L-12011/28/81-D.II(A))

नई दिल्ली, 30 जनवरी, 1985

का० आ० 691—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के मनुसरण में, केन्द्रीय सरकार, सिडिकेट बैंक, नई दिल्ली, के प्रबंधतंत्र से सम्बद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, नई दिल्ली के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 23-1-85 को प्राप्त हुआ था।

New Delhi, the 30th January, 1985

S.O. 691.—In pursuance of 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal New Delhi as shown in the Annexure in the industrial dispute between the employers in relation to the Syndicate Bank, New Delhi and their workmen, which was received by the Central Government on the 23rd January, 1985.

BEFORE SHRI O. P. SINGLA; PRESIDING OFFICER,
CENTRAL GOVT. INDUSTRIAL TRIBUNAL; NEW
DELHI

I. D. No. 15/83

In the matter of dispute between :
Shri Arun Kumar Singh,
r/o B-94, Secretariate Colony,
Mahanagar, Lucknow-226006.

Versus

Syndicate Bank.

APPEARANCES :

Shri D. S. Chauhan—for the workman.

Shri M. S. Dewan—for the Management.

AWARD

Central Government, Ministry of Labour on 8th September, 1982 vide Order No. L-12012/2/82-D.II(A) referred the following dispute to this Tribunal for adjudication.

"Whether the action of the management of Syndicate Bank, New Delhi in terminating the services of Shri A. K. Singh, Clerk Dhanura Branch without payment of retrenchment compensation etc. as required under Section 25(F) read with Section 25(B) of the I.D. Act is justified ? If not, to what relief with the concerned workman entitled to."

Arun Kumar Singh joined as a clerk with the Syndicate Bank at Dhanura Branch on 30-3-79. He was appointed on probation and his services were terminated by letter dated 13-12-79 w.e.f. 29-12-79. The workman claimed that his services have been terminated breach of section 25-F of I.D. Act, 1947 and claimed reinstatement in service with full back wages and continuity of service.

3. The Management of Syndicate Bank pleaded that the performance of the workman during period of probation was unsatisfactory and he did not improve despite oral warnings to him and that his services could be terminated under clause 10 of his appointment letter by giving him a month's notice or salary in lieu of notice and he was paid Rs. 578.53p being the salary for 30 days in lieu of month's notice and that he has not completed 240 days of actual service and did not serve in the bank for the period of one year.

4. The matter in issue has been tried. I have heard the representatives of the parties.

5. Section 25-B of the I.D. Act, 1947 defines that for the purposes of Chapter V A of I.D. Act, 47 a workman shall be deemed to have worked for a period of one year if he worked for 240 days in a period of 12 calendar months proceeding the date of termination of his service.

6. The argument of the Managements that the employment was for less than a year from 30-3-79 to 29-12-79 and, barring Sundays or holidays, his actual days of working were less than 240. The ruling in A. Parathasarathi and another Vs. Management of Standing Motors Products of India Ltd. and another briefly mentioned in 1979 Lab. I.C.N.O.C. 136 is cited.

7. The plea of the Management has to be rejected in view of the clear pronouncement of the Supreme Court of India. In Mohan Lal Versus Management of M/s. Bharat Electronics Ltd. reported in (1981) 3 S.C.C. 225. It has been ruled that the calculation has to be made from the date of termination of service backwards for a period of one year and during that period 240 days service will suffice under the deemings provisions of section 25-B of Industrial Disputes Act, 1947. In that case Mohan Lal was employed as Sales Man in the respondent company and worked from 8-12-73 to 19-10-74. He got relief and the following paras are extracted from that judgments :—

"The language of section 25-B (1) and (2) does not admit of any dichotomy. Clauses (1) and (2) introduce a deemings fiction as to in what circumstances a workman could be said to be in continuous service for the purposes of Chapter V-A. workman is not in employment for a period of 12 calendar months, but has rendered service for a Section 25-B (2) comprehends a situation where a period of 240 days within the period of 12 calendar months commencing and counting backwards from the relevant date, i.e. the date of retrenchment. If he has, he would be deemings to be in continuous service for a period of one year for the purpose of Section 25-B and Chapter V-A."

"Is the present case, commencing from the date of termination i.e. October 19, 1974 and counting backwards the appellant had rendered service for a period of 240 days within a period of 12 months and, indisputably, therefore, his case falls within Section 25-B (2) and he shall be deemed to be in continuous service for a period of one year for the purpose of Chapter V-A."

"Appellant has thus satisfied both the eligibility qualifications prescribed in Section 25-F for claiming retrenchment compensation. He has satisfactorily established that his case is not covered by any of the excepted or excluded categories and he has rendered continuous service for one year. Therefore, termination of his service would constitute retrenchment. As pre-condition for a valid retrenchment has not been satisfied the termination of service as ab initio void, invalid and inoperative. When the termination is illegal especially where there is an ineffective order of retrenchment, there is neither termination nor cessation of service and a declaration follows that the workman concerned continuous to be in service with all back wages and consequential benefits."

8. The termination of service of the workman was, therefore, void ab initio for non-compliance with section 25-F of the Industrial Disputes Act, 1947, which provision applied to him. The ordinary relief for him would be reinstatement in service with full back wages but that is not being ordered because the Management would immediately terminate his services on reinstatement on account of its belief in his unsuitability for the post. Accordingly the workman is ordered to be paid Rs. 35000 in lump sum in lieu of reinstatement in service with full back wages. This payment should be made to him within one month of the publication of this Award, failing which he shall be entitled to 12 per cent interest per annum on this amount till payment. Award is made accordingly. There is no order as to costs of these proceedings.

Further it is ordered that the requisite number of copies of this Award may be forwarded to the Central Government for necessary action at their end.

Dated : January 9, 1985.

O. P. SINGLA, Presiding Officer
[No. L-12012/2/82-D.II (A)]

नई दिल्ली, 2 फरवरी, 1985

कांग्रेस 692—आधिकारिक विषय अधिनियम, 1947 (1947 का 14) की बारा 17 के अनुसरण में, केन्द्रीय सरकार, स्टेट बैंक ऑफ इंडिया, नागपुर, के प्रबन्धतात्र से सम्बद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबन्ध में निर्दिष्ट आधिकारिक विषय में केन्द्रीय सरकार आधिकारिक अधिकरण, नं०-2, बम्बई के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 28-1-85 को प्राप्त हुआ था।

New Delhi, the 2nd February, 1985

S.O. 692.—In pursuance of section 17 of the Industrial Disputes Act 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal No. II, Bombay as shown in the Annexure in the industrial dispute between the employers in relation to the State Bank of India, Nagpur and their workmen, which was received by the Central Government on the 29th January, 1985.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 2, BOMBAY CAMP : NAGPUR

Reference No. CGIT-2/31 of 1984

PARTIES :

Employers in relation to the management of State Bank of India, Nagpur.

AND

Their workmen

APPEARANCES :

For the Employers—Shri G. G. Modak, Advocate.

For the workmen—Shri S. P. Dharmadhikari, Advocate.

INDUSTRY : Banks.
1479 GI/84-8

Nagpur, dated the 9th January, 1985

AWARD

(Dictated in the open Court)

By their order No. 12012/134/84.D.II.A, dated 26-10-1984 the following dispute has been referred for adjudication under Section 10(1)(d) of the Industrial Disputes Act, 1947 :—

"Whether the action of the management of State Bank of India, Region III, Nagpur in relation to their Wardha Branch in terminating the services of Shri V. D. Kulkarni, Clerk-cum-Cashier, on 1-8-1974 and again on 12-2-1975 is justified? If not, to what relief is the workman concerned entitled?"

2. The only short point arising is whether the provisions of Section 25F of the Act are attracted so that in case the relevant provisions have not been followed by the Bank the retrenchment is liable to be quashed and the workman is entitled to the relief as claimed. The facts in this case are not much in dispute. The record shows that the workman was employed in the first spell from 16-1-1974 and although he was appointed for a period of one month i.e. upto 16-2-1974, he was allowed to work till 30-7-1974, on which date, it is alleged by Memo. No. S/473 dated 30-7-1974 he was employed in the first spell from 16-1-1974 and although his services were no longer required and stood terminated from 1-8-1974. There was then re-employment with effect from 21-12-1974 and here again although the appointment was for a period of one month only i.e. till 21-1-1975 he continued in his post till 12-2-1975 on which date his services were terminated by Memo. No. S/124 dated 12-2-1975. Now the grievance of the Union is that this was illegal for want of 14 days notice as required under para. 522(4) of the Sastri Award which was not issued and as such the termination is bad and illegal and therefore the workman is entitled to reinstatement and other reliefs as they may follow.

3. The Bank has come out with a story that the workman during the relevant period worked only on 150 days, there were 31 Saturdays on which days also he worked but it is further urged that during the relevant period since the workman did not work on the holidays and Sundays which amounted to 11 and 31 days respectively, those days will have to be excluded and in this manner the workman worked only for 181 days, in case the 42 days are excluded since he never actually worked on those days, and therefore, since the number of days considerably falls short as required under Section 25B of the Industrial Disputes Act. Section 25F is not attracted much less the workman is entitled to any relief.

4. In order to make good the shortage an ingenious argument is advanced on behalf of the workman so that the deficit would be wiped out and what is urged is that under para. 522(4) of the Sastri Award which is binding on the parties when the workman concerned who was then other than a permanent employee was asked to go home, a 14 days' notice was necessary and it is further urged that in case of the employees leaving the service though similar notice is expected the award speaks of giving of a week's pay only and according to the workman when similar provision is not made in relation to the Bank's right the Bank could not have paid any compensation but it was imperative on them to give notice of 14 days which when counted enhances the period of service and if so done twice, there being two spells the case squarely falls under Section 25B of the Industrial Disputes Act.

5. There is a fallacy in this argument. In the first place if the first termination is to be treated with a notice of 14 days then there would be a complete severance of relationship and in that case the two periods cannot be taken together. But assuming that the workman has a right to do so still the question remains whether merely because the workman can avoid giving notice foregoing a week's pay while no mention has been made in the case of the Bank, does it mean that the Bank must count 14 days as no option to make payment of 14 days wages. The payment of wages in lieu of notice is corollary to the term of notice. Why the employee is mentioned specifically may be because they reduced the period by seven days while normally even in case of employees they would have been required, in case there

was occasion to issue notice or to pay wages for 14 days. Therefore merely because the relevant provision speaks of payment for a particular days does not mean that the Bank has no such right otherwise it may happen although the services of a particular workman are not essential, the Bank would be burdened with his services atleast for 14 days. In my view from the construction of para. 522(4) of the Sastri Award this contention is not at all acceptable and the notice is mutual, only in the case of workmen the burden is tried to be lesser might be because it was to be borne by the individual who is to remain out of service. Therefore, when Section 25B speaks that for determination of continuity of service of a workman he must have worked for 240 days, the notice which was necessary cannot be taken help of for either adding or subtracting from the period actually worked. If so done and 14 days are not to be counted the actual period of work was for 223 days including 42 days holidays and Sundays. In the instant case I need not go into the question whether actual work means those days actually worked excluding Sundays and holidays because even a charitable view of the case fails to bring the version within the four corners of Section 25B of the Industrial Disputes Act much less under Section 25F.

6. Admittedly the workman had continued to work after the definite period for which he was appointed. Breach of para. 522(4) at best would give rise to the relief of compensation which is being awarded but being not a breach of Section 25F of the Act the relationship which has come to an end cannot be restored. Consequently he was entitled to notice which the Bank did not give nor paid any wages and therefore the only relief possible is that the Bank must pay 14 days wages at the rate then prevailing on 12-2-1975 to the workman within a period 15 days from the date of publication of the award otherwise the said amount shall carry future interest at the rate of 9 per cent per annum from November 1975. Award accordingly.

M. A. DESHPANDE, Presiding Officer
[No. L-12012/134/84-D.II(A)]

नई दिल्ली, 5 फरवरी, 1985

का. आ. 693—श्रौद्धोगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, रिजर्व बैंक ऑफ हंडिया, बम्बई, के प्रबंधतंत्र में सम्बद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट श्रौद्धोगिक विवाद में केन्द्रीय सरकार श्रौद्धोगिक अधिकरण, नं. 1, बम्बई, के पंचाट को प्रकाशित करती है, उपरोक्त अधिनियम की धारा 33-के अन्तर्गत दायर किया गया था और जो केन्द्रीय सरकार को 30-1-1985 को प्राप्त हुआ था।

New Delhi, the 5th February, 1985

S.O. 693.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal No. 1, Bombay, as shown in the Annexure in the industrial dispute between the employers in relation to the Reserve Bank of India, Bombay and their workmen, filed under Section 33-A of the said Act, which was received by the Central Government on the 30th January, 1985.

BEFORE THE NATIONAL INDUSTRIAL TRIBUNAL, BOMBAY

PRESENT :

Dr. Justice R. D. Tulpule Esqr. Presiding Officer,

Complaint No. NTB-1 of 1980

(Arising out of Ref. No. NTB-1 of 1979)

PARTIES :

A. G. Mooley and V. K. Ingale	Applicants V/s.
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The Manager, Reserve Bank of India, Nagpur	Opp. party
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APPEARANCES :

For the applicants—Mr. L. K. Pande, President, Reserve Bank Workers Organisation.

For the opposite party—Mr. M. A. Batki, Asstt. Legal Advisor.

INDUSTRY : Banking

Bombay, the 27th day of December, 1984

AWARD

This is a complaint filed by the applicants under Section 33-A of the Industrial Disputes Act, 1947, arising out of Reference No. NTB-1 of 1979.

2. Today when the matter was fixed for hearing Mr. Pande, for the complainant after arguments were heard for sometime does not press the complaint. Hence the Complaint is disposed of. No order as to costs.

R. D. TULPULE, Presiding Officer
[No. L-12025/21/79-D.II (A)]
N. K. VERMA, Desk Officer

नई दिल्ली, 30 जनवरी, 1985

का. आ. 694.—श्रौद्धोगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, भाटडीह कोलियरी मैसर्स भारत कोकिंग कॉल लि. के प्रबंधतंत्र से सम्बद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट श्रौद्धोगिक विवाद में केन्द्रीय सरकार श्रौद्धोगिक अधिकरण, नं. 2, धनबाद के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 25-1-1985 को प्राप्त हुआ था।

New Delhi, the 30th January, 1985

S.O. 694.—In pursuance of section 17 of the Industrial Disputes Act 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal No. 2, Dhanbad, as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Bhatdee Colliery of M/s. Bharat Coking Coal Ltd., and their workmen which was received by the Central Government on the 25th January, 1985.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD

PRESENT :

Shri I. N. Sinha, Presiding Officer.

Reference No. 81 of 1984

In the matter of Industrial Disputes under Section 10(1)(d)
of the I.D. Act, 1947

PARTIES :

Employers in relation to the management of Bhatdee Colliery of M/s. Bharat Coking Coal Limited and their workmen.

APPEARANCES :

On behalf of the employers—Shri G. Prasad, Advocate.
On behalf of the workmen—Shri S. Bose, Secretary,
K.C.M.S.

STATE : Bihar

INDUSTRY : Coal

Dhasbad, the 19th January, 1985

AWARD

The Government of India in the Ministry of Labour and Rehabilitation in exercise of the powers conferred on them under Section 10(1)(d) of the I.D. Act, 1947 has referred the following dispute to this Tribunal for adjudication under Order No. L-24012(55)/84-D.IV (B), dated, the 18th October, 1984.

SCHEDULE

"Whether the action of the management of Bhatdeo Colliery of M/s. Bharat Coking Coal Limited, in placing as Badli Loader Shri Manu Lohar without issuing a show cause notice and without holding an enquiry action is justified? If not, to what relief the workman is entitled to?"

Soon after the receipt of the order of reference, notices were duly served upon the parties for filing their W.S. etc. Thereafter three adjournments were granted to the parties. But ultimately on 12-12-84 both the parties appeared before me and filed a memorandum of settlement. I have gone through the terms of settlement and I find the same is fair and proper. I accordingly accept the same and pass an Award in terms of the memorandum of settlement which forms part of the Award as annexure.

I. N. SINHA, Presiding Officer
[No. L-24012(55)/84-D.IV (B)]

ANNEXURE

BEFORE THE PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 2 DHANBAD

Ref. No. 81/84

PARTIES :

Employees' relation to the management of Bhatdeo Colliery of M/s. Bharat Coking Coal Ltd.,

AND

Their workmen (Manu Lohar) represented by the Rashtriya Colliery Mazdoor Sangh.

Memo of Settlement

Representing employers—(1) Y. P. Handa, General Manager, Bharat Coking Coal Limited, Mohuda Area, Dhanbad.

Representing the workmen—G. D. Pandey, Secretary, Rashtriya Colliery Mazdoor Sangh, Rajendra Path, Dhanbad.

The humble joint petition of compromise on behalf of both the parties most respectively sheweth :—

1. That, the Central Government by an order No. L-24012/(55)/84-D.IV (B) dated 18th October, 1984 has referred the Industrial Dispute, as quoted below, for an adjudication under Section 10(1)(d) of the Industrial Disputes Act, 1947 to this Hon'ble Tribunal.

"Whether the action of the management of Bhatdeo Colliery of M/s. Bharat Coking Coal Limited, in placing as Badli Loader Shri Manu Lohar without issuing a show cause notice and without holding an enquiry action is justified? If not, to what relief the workmen is entitled to?"

2. That, good sense having prevailed, the parties discussed the matter mutually outside the Court and have settled the dispute on the following terms and conditions.

3. That, the workman concerned Sri Manu Lohar shall be reinstated with effect from the date he resumes duty and the interregnum period shall be treated as absence/leave without wages.

4. That, the workman concerned shall not be paid wages or any other benefit for the period of absence from 3-11-83 till he resumes duty but he shall be entitled to continuity of benefit and other consequential benefit as per law.

5. That, the workman concerned has already been allowed to resume duty by virtue of a settlement in Ref. No. 69/84 between the same parties in this Tribunal.

6. That, the workman concerned shall have no other claim whatsoever, this resolves all the dispute between the parties.

7. That, the settlement is fair and proper.

8. It is prayed that your honour may be graciously pleased to accept the settlement and pass an award in terms of settlement and for this act of kindness the parties shall ever pray.

Signature of the parties—
Representing

(1) Employer

(Y. P. HANDA)

General Manager,
Bharat Coking Coal Ltd.,
Mohuda Area, P.O. Mohuda, Dhanbad

(2) Workmen

(G. D. PANDEY)

Secretary,

Rashtriya Colliery Mazdoor Sangh,
Rajendra Path, Dhanbad.

Witnesses :—

1. Illegible
10-12-84.

2. Illegible
10-12-84.

2. Advocate

1. Illegible
10-12-84.

2. Illegible
10-12-84.

का. आ. 695.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, रीजनल वर्कशाप, भुरकुण्डा, में 'मैसर्स केन्द्रीय कोलफील्ड लिमिटेड' के प्रबंधतात्व से सम्बद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकारण, न. 2, धनबाद के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 25-1-1985 को प्राप्त हुआ था।

S.O. 695.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, No. 2, Dhanbad, as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Regional workshop, Bhurkunda of Central Goalfields Limited, and their workmen, which was received by the Central Government on the 25 th January, 1985.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD

PRESENT :

Shri I. N. Sinha, Presiding Officer.

Reference No. 54 of 1984

In the matter of Industrial Disputes under Section 10(1)(d) of the I. D. Act, 1947

PARTIES :

Employers in relation to the management of Regional Workshop, Bhurkunda of CC Ltd. and their workmen.

APPEARANCES :

On behalf of the employers—Shri R. S. Murthy, Advocate.

On behalf of the workmen—Shri Raghuandan Pd., Authorized Representative.

STATE: Bihar.

INDUSTRY: Coal.

Dated, Dhanbad, the 19th January, 1985

AWARD

The Government of India in the Ministry of Labour & Rehabilitation in exercise of the powers conferred on them under Section 10 (1) (d) of the I. D. Act., 1947 has referred the following dispute to this Tribunal for adjudication under Order No. L-20012 (41)/84-D. III(A)D. IV(B) dated the 10th Aug. 1984

SCHEDULE

"Whether the action of the management of Regional workshop, Bhurkunda of C. C. Ltd., in not placing Shri Laxman Ram and 9 others as per annexure in Cat. IV in accordance with the provision in their appointment letter is justified ? If not, to what relief the workmen are entitled ?"

ANNEXURE**Sl. No. Name of the workman & Des.**

1. Shri Laxman Ram Motor Mech.
2. Shri Noel Dhingra Electrician.
3. Shri Amitabh Dutta Diesel M/P.
4. Shri Ramsaran Singh Electrician.
5. Shri Rajendra Pd. Gupta Welder.
6. Shri Shesh Nath Sinha Blacksmith.
7. Shri Bhim Moohi Blacksmith.
8. Shri Albert Kujar Electrician.
9. Shri Sankar Jah, Electrician.
10. Bajdeo Prasad, Electrician.

Soon after the receipt of the order of reference notices were duly served upon the parties. After two adjournments parties filed their respective W. S. and documents, etc. On 24-11-84 Shri Raghuandan Pd. an authorised representative of the workmen submitted before me that one more date be given as the negotiation for settlement of the dispute is going on. Accordingly 20-12-84 was fixed for filing the settlement by the parties. On that day also no settlement was filed but ultimately on 10-1-85 both the parties appeared before me and filed a memorandum of settlement. I have gone through the terms of settlement which appears to be fair and proper and beneficial to both the parties. Accordingly I accept the same and pass an Award in terms of the memorandum of the settlement which forms part of the Award as Annexure.

I. N. SINHA. Presiding officer
[No: L-20012(41)/84-D.III(A) D. IV(B)]

ANNEXURE**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 2, DHANBAD**

In the Matter of Ref. No. 54/84

PARTIES :

Employers in relation to the Management of Regional Workshop Bhurkunda of Central Coalfields Ltd. P.O. Bhurkunda, Dist. Hazaribagh.

AND

Their Workmen.

Joint Petition of Employers and Workmen for a Compromise.

The above mentioned employers and workmen beg to submit jointly as follows :—

- (1) That the representatives of the employers and the Workmen concerned have jointly negotiated the matter covered by the aforesaid reference with a view to arriving at a mutually acceptable and amicable settlement.
- (2) That as a result of the aforesaid negotiations both the parties have agreed to arrive at the following overall settlement of the matter covered by the present reference :—
 - (a) It is agreed that the workmen have dropped the case of Sri Shesh Nath Sinha who has since been promoted as Assistant Store Keeper.
 - (b) It is agreed that the remaining nine workmen covered by the present reference who have completed one year of service in Category II (Daily rated) as trainees will be given a trade test and interview by the Management for determining their suitability for placement in Category IV (Daily rated) and if they are so found suitable they will be placed in Category IV in the respective trades in which they were entertained for training, with effect from 14-8-84 and they will be paid arrears accordingly.
 - (c) It is agreed that in the case of the Workmen covered by the present reference belonging to the Electrical Trade, their cases will be regulated as per circular No. IR/2-131/83 dated 12th November, 1984 of the Chief Personnel Manager, Central Coalfields Limited, Ranchi (a copy of which is annexed hereto) after they have been placed in Category IV as indicated in clause (b) above.
 - (d) It is agreed that this settlement is an overall settlement in respect of all the claims of the Workmen concerned arising out of the present reference.
- (3) That both the parties consider the above settlements as fair, just and reasonable to both the parties.

In view of the above the employers as well as the workmen jointly pray that the Hon'ble Tribunal may be pleased to give an award in terms of the above settlement.

(RAGHUNANDAN PRASAD),

President,

Indian National Coal Mines
Engineering Worker's
Association, C.C.L. Zone.

Dated :

(J. C. CHOWDHURY),
Project Officer,
Regional Workshop, Bhurkunda
Central Coalfields Ltd.,
for and on behalf of Employers.

Presiding Officer.
Central Government Industrial Tribunal (No. 2)
Dhanbad.

CENTRAL COALFIELDS LIMITED, RANCHI

IR/2-131/83

Dt. 12th Nov., 1984

To,

All General Manager,
The General Supdt., C.W.S. Barkakhana.
The Addl. Chief Personnel Manager, Singrauli,
All Staff Officer (Personnel).

Dear Sir,

For sometime past the representatives of workmen were insisting that 111 candidates of electrician trade should be put in Cat. IV as per the promotion scheme of 111 candidates. It could not have been possible for the management to give them promotion to Cat. IV in terms of the scheme or motion of the ITI boys as they had not obtained Wireman's permit certificate/LT certificate.

This has also been found that the Wireman's certificate examinations are not being held regularly, and therefore, the candidates are not in a position to acquire that certificate and as a consequence of this they are not being promoted.

Keeping in view of these hardships of the employees, it has been decided that the 111 candidate in electrician trade having put in one year in Cat. II may be promoted to the post of Cat. IV for one year during which they will have to procure Wireman's permit certificate/LT certificate failing which, they will be reverted back to their pre-promoted post.

This issues with the approval of competent authority.

Yours faithfully,

Sd/- Chief Personnel Manager.

Copy to :—

All Departmental Heads at Ranchi & Calcutta;

All Area Finance Managers.

The Project Officer/Colliery Manager, Gidi-A etc.

The Project Officer (Washery/Gidi/Sawang/Katharal/Kargali/Rajarappa).

नई दिल्ली, 1 फरवरी, 1985

का० प्रा० 696.—ओद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के प्रत्युत्तरण में, केन्द्रीय सरकार, लोदना कोलियरी, लोशना थेन, मैं० भारत कोकिंग कोल लिं० के प्रबंधनतान से सम्बद्ध नियोजकों और उनके कम्मारों के बीच प्रत्युत्तरण में निर्विष्ट ओद्योगिक विवाद में केन्द्रीय सरकार ओद्योगिक अधिकरण, न०३, धनबाद के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 31-1-1985 को प्राप्त हुआ था।

New Delhi, the 1st February, 1985

S.O. 696.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, No. 3, Dhanbad, as shown in the Annexure in the industrial dispute between the employers in relation to the management of Lodna Colliery, Lodna Area of M/s. Bharat Coking Coal Limited and their workmen, which was received by the Central Government on 31-1-1985.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT NO. 3, DHANBAD

Reference No. 26/84

PRESENT :

Shri J. N. Singh, Presiding Officer

PARTIES :

Employers in relation to the Management of Lodna Colliery, Lodna Area of M/s. B.C.C.L., P.O. Khas Jeenagora, Dhanbad.

AND

Their workmen.

APPEARANCES :

For the Employers—Sri B. Joshi, Advocate.

For the Workman—Sri B. Lal, Advocate.

INDUSTRY : Coal.

STATE : Bihar.

Dated, the 23rd January, 1985

AWARD

The Govt. of India in the Ministry of Labour in exercise of the powers conferred on them U/S 10(1)(d) of the Industrial Disputes Act, 14 of 1947 has referred the above dispute to this Tribunal for adjudication under Order No. L-24012(50-A)/83-D. IV (B) dated the 12th June, 1984.

SCHEDULE

"Whether the punishment of dismissal from service imposed by the management of Lodna Colliery, Lodna Area of M/s. BCCL, P. O. Khas Jeenagora, Dist. Dhanbad, on Sri Sukhram Passi, Loader is disproportionate to the offence alleged by or Committee by him ? If so, to what relief is the said workman entitled ?"

2. According to the union Sri Sukhram Passi the workman concerned is an active member of Koyal and Ispat Mazdoor Panchayat which is one of the oldest and reputed trade union functioning in the coal mines in this area and that Shri Passi was elected as an Asstt. Secretary of the Panchayat prior to the alleged occurrence and his election was communicated to the management to treat him as one of the protected workmen:

3. It is further stated that the concerned workman is a Drill Coal Miner and the duty of Drill Coal Miner as per job description prescribed under Wage Board and various Colliery awards is to dress the coal faces after the holes are blasted by the shotfirers and load coal. The Director General of Mines Safety, however, issued a circular to the authorities to provided roof support to coal working faces to make it safer for workmen working there. This roof support was popularly known as putting Safari and this Safari support was to be done by drilling holes at the roof and putting iron clamps and holding the log of wood to the same in straight line. This support was to be shifted almost everyday in each shift as the working faces were being advanced.

4. The concerned workman and others were asked to make Safari holes accordingly. But as the same was not a part of their duty they did not agree to do the same and in retaliation the management issued chargesheet for false and baseless allegations to victimise the concerned workman who was picked up for the same. The concerned workman was chargesheeted by Order dated 24-9-81 for the following allegations :—

- (i) That on 19-1-81 in the IIIrd Shift Shri Sukhram Passi prepared coal but refused to make Safari Holes.
- (ii) and went to sleep along with other loaders.
- (iii) when Shri Nasimuddin, Mining Sirdar awoke him he abused him in fifty language "Madar Chod" and threatened to assault him.
- (iv) that he (Shri Sukhram Passi) along with co-workers entered into the working face forcibly and started loading coal though the face was unsupported and unsafe for working.

The concerned workman denied his charges and long after a belated stage a perfunctory enquiry was started against him on 6-8-83, though the chargesheet was issued on 13-10-81 and the enquiry was conducted against the principles of natural justice. The witnesses named by Nasimuddin Khan, Mining Sirdar, the main complainant were not examined and the Enquiry Officer gave a perverse finding without any evidence and on receipt of his report the concerned workman was dismissed by order dated 12-5-83 which was passed after long only to victimise the concerned workman.

5. It is submitted that the making of Safari holes was no part of the duty of the concerned workman and so even if there was refusal it cannot be said to be a refusal of any

lawful order. The second charge against him is that he went to sleep along with others but this is quite vague and misleading and that the concerned workman was not found sleeping along with others. It is strange that no other workman was charged for the said offence. As regards the third charge it is submitted that it is totally false and baseless and is not supported by any evidence. As regards item No. (iv) it is stated that it is also not correct and the name of other co-workers are not mentioned at all nor any chargesheet was ever served against any co-worker for the alleged act. According to the union the present chargesheet was issued only to demoralise, victimise, blackmail coerce the concerned workman so that he may agree to do the additional work or making holes for Safari support. Thus it is submitted that the punishment of dismissal was given without any evidence and further it is disproportionate to the misconduct as alleged against the concerned workman who had a clean record of service.

6. The management, however, has contended that the concerned workman committed serious act of misconduct for which a domestic enquiry was held against him in which he was given full opportunity to defend himself. The charges were found proved and so he was dismissed and that the punishment of dismissal is not dis-proportionate to the offence committed by him. It is submitted that the Reference be decided in favour of the management.

7. The only point for consideration is as to whether the punishment of dismissal from service imposed on Sri Sukhram Passi, Loader is dis-proportionate to the offence allegedly committed by him. If so, to what relief is the said workman entitled.

8. It may be mentioned that the Term of Reference is very limited and this Court is only to see as to whether the punishment of dismissal from service is dis-proportionate to the offence committed by the concerned workman or not. However, at the instance of the parties the preliminary issue whether the enquiry was fair or proper or not was taken up at the earlier stage and, after taking evidence it was held by order dated 20-12-84 that the enquiry was fair and proper and thereafter the case was heard on merits.

9. It is now to be seen as to whether the charges as alleged against the concerned workman was proved on sufficient evidence or not. The first charge is that the concerned workman refused to make Safari holes. It is in evidence of the parties that the introduction of Safari support was introduced in the coal mines much later. The job description as provided for workers like the concerned workman does not prescribe that they have to make Safari holes also. In fact their duty was to dress the coal faces after holes are blasted and make loading of coal. WW-1 is Sri H. N. Singh who is General Secretary of Khan Ispath Mazdoor Panchayat has stated that in Lodha C. P. Loaders are employed and their duty is to dress the faces after blasting and load the coal in tubs. According to him it was no part of their duty to drill holes for Safari support and therefore when the loaders were asked to do so they did not agree to it as it was no part of their duty. The work was stopped for some time and subsequently a settlement was arrived at in which it was agreed that for making Safari holes these loaders will get 0.50 paise per hole as additional wages. He has also stated that the concerned workman is an Assistant Secretary of the Branch of the union. Ext. W-1 is a settlement arrived at between the management and this union regarding Safari holes. From a perusal of this settlement it will appear that under the direction of the Director General of Mines Safety Safari holes were introduced with effect from 2-8-82 and in accordance with this system the Drill Coal Loaders were required to make extra holes for safari support which they were not required to do earlier. They refused to do the same which led to stoppage of work and thereafter the present settlement was arrived at. From this settlement it will appear that for making Safari holes the loaders were to be paid 0.50 paise per hole till the rate was finally decided. Thus from this settlement it is clear that making of Safari hole was no part of duty of these loaders and even if the concerned workman refused to make Safari hole. It cannot be said to be disobedience of any lawful order for which he was charged.

10. Then let us consider whether there was sufficient evidence or even prima-facie evidence before the Enquiry

Court to hold the concerned workman guilty of the other charges. Ext. W-2 is the Enquiry proceeding. On behalf of the management only 3 witnesses were examined viz. Nasimuddin, Mining Sirdar, Latif and one Narain Bhuiya labour mazdoor. Sri Nasimuddin is the main complainant being the Mining Sirdar, he has stated that when he asked the concerned workman and other to make Safari holes he refused and went to sleep and also abused him and sometime after they went to the working faces and started loading coal. He has stated that the concerned workman threw a Saabai on him but one Naresh C. P. Loader came forward and caught the hand of the concerned workman otherwise he would have been injured. In the chargesheet, however, the allegation is only threatening of assault and there is no allegation that there was a Saabai thrown by the concerned workman. This is clearly an after thought. Further Sri Naresh who was the main witness has not been examined. This witness has further stated that at the time of occurrence Sri Baldev Kam, Khuta Misri, Sri Narain Bhuiya, Khuta Kuli and others were present but none of them have been examined to support the statement of the complainant. The only witness examined on his behalf is Sri Latif who has not supported the occurrence as alleged by Sri Nasimuddin. He has not stated anything about the occurrence. From his evidence it only appears that he learnt from one Sri Bhuiya that there was some quarrel between the concerned workman and the Mining Sirdar. Sri Narain Bhuiya is another witness who has simply stated that there was some Bakwash between the Mining Sirdar and Sukhram Passi. Thus none of these witnesses have stated about the assault or abuse. From their evidence it utmost appears that there was some Bababali or exchange of not words between the concerned workman and the Mining Sirdar. This charge of exchange of hot words is thus only proved in this case and in my opinion for this charge only, the capital punishment of dismissal should not have been awarded and if the concerned workman had committed some minor act of indiscipline he should have been left with some minor punishment.

11. The action of the management thus cannot be said to be above-board in this case, more so, when the concerned workman was Assistant Secretary of the Branch Union. The chargesheet was drawn up against him on 24-9-81/13-10-81. The preliminary enquiry was started against him as late as on 8-8-82 and he was dismissed by order dated 12-5-83. No expression has been given as to why such inordinate delay was caused when according to the chargesheet itself the concerned workman had also been put under suspension.

12. Considering these I hold that the punishment inflicted on the concerned workman is dis-proportionate to the offence committed by him. In such circumstances he is entitled to be reinstated in service within a month from the date of publication of this award and without any back wages. In my opinion, the ends of justice would be met if the concerned workman is awarded the punishment of not getting any back wages for the idle period. But he will be entitled to be reinstated with full pay within a month from the date of publication of the award.

13. The award is given accordingly.

J. N. SINGH, Presiding officer
[No. L-24012(50A)[83-D IV(B)]

नई दिल्ली, 5 फरवरी, 1985

का०आ० 697.—ओद्योगिक विवाद अधिनियम, 1947
(1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बैस्ट्रेन फेलफिल्ड्स लिमिटेड, पाथाखेरा एरिया, जिला बेतूल (मध्य प्रदेश) के प्रबन्धताल से सम्बद्ध नियोजकों और उनके कर्मकारों के बीच ओद्योगिक विवाद में श्री एच० जी० भावे, उप मुख्य श्रमायुक्त (केन्द्रीय), के मध्यस्थ, के माध्यस्थम पंचाट को, जो अनुबन्ध में दर्शाया गया है, प्रकाशित करती है। यह माध्यस्थम पंचाट 30 जनवरी, 1985 को केन्द्रीय सरकार को प्राप्त हुआ था।

New Delhi, the 5th February, 1985

S.O. 697.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Arbitration Award of Shri H. G. Bhave, Deputy Chief Labour Commissioner (Central), (Arbitrator) as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Western Coalfields Limited, Pathakhera Area, Distt. Betul (M.P.) and their workmen, which was received by the Central Government on the 30th January, 1985.

ANNEXURE

In the Matter of Arbitration in the Industrial Dispute between Western Coalfields Limited, Pathakhera Area District Betul (M.P.) and their workman represented by Vice-President, Betul Zilla Rashtriya Khadan Karamchari Sangh, Pathakhera Area over the issue of Dismissal of Shri Khedu Ram S/o Ram Sumer, Mines Time Keeper with effect from 9-2-1980.

PRESENT :

H. G. Bhave, Deputy Chief Labour Commissioner (C)
Arbitrator.

(1) Representing WCL :

- (i) Shri D. S. Gill,
Dy. Chief Personnel Manager,
Pathakhera Area
- (ii) Shri R. Menon,
Advocate

(2) Representing Workman :

- (i) Shri S. K. Rao,
Executive Committee Member,
RKKMS. (Duly Authorised)
- (ii) Shri J. Ali,
Vice-President of RKKMS,
WCL, Pathakhera Area.

AWARD

INDUSTRY : Coal

STATE : Madhya Pradesh

By an arbitration agreement under Section 10-A of I.D. Act, 1947, between the management of Western Coalfields Limited, Pathakhera Area, District Betul and Vice-President, Betul Zilla Rashtriya Khadan Karamchari Sangh, Pathakhera Area reached on 30-1-1984 which was published by the Government of India, Ministry of Labour vide their Order No. L-22013/3/83-D. III(B), dated 10-2-1984, the parties agreed to refer the following issue to my arbitration :—

"Whether the action of the management of Western Coalfields Limited, Pathakhera Area, District Betul (M.P.) in dismissing Shri Kheduram S/o. Shri Ram Sumer, Mines Time Keeper, with effect from 9-2-80 is justified ? If not, to what relief the workman is entitled ?"

2. After the arbitration agreement was released for publication in the Gazette of India, the Registered A.D. letters were sent to the parties on 18-4-1984 calling for their written statement within 15 days endorsing copy to the opposite party simultaneously. Written statement of the employers sent on 14-5-1984 was received by me on 28-5-1984. Similarly, the written statement dated 10-5-1984 sent on behalf of the workman along with copies of 5 documents was received by the arbitrator on 16-5-1984. Telegraphic intimations were sent to the parties to attend the arbitration proceedings on 5th and 6th July, 1984 in the Office of the ALC (C) Bhopal. Accordingly, the first hearing was held at Bhopal on 6-7-1984 when both the parties were duly represented. As the arbitration agreement had provided for a period of six months only for giving the Award and that was to be over shortly, the parties extended the period by three months beyond 30-7-1984 by a joint agreement. In the hearing on 6-7-1984, the workman was directed to give a copy each of the two documents out of the five filed by them to the employers within 15 days. The employers also requested for filing copies of certain relevant documents for which they wanted time. Time was allow-

ed. Next date for evidence, if any and arguments was to be fixed at Pathakhera at the request of the parties. On 24-6-1984, the management submitted its rejoinder on the written statement of the Union which reached the arbitrator on 10-7-1984. On 18-7-1984 the Deputy Chief Personnel Manager, Pathakhera Area, submitted copies of six documents with a copy to the opposite party. The same were received by the arbitrator on 24-7-1984. Subsequently, vide Notice dated 5-12-1984 the parties were informed about further arbitration proceedings at Pathakhera on 13-12-1984. In the meantime, on 4-11-1984, the parties sent a joint communication to the arbitrator extending the time for giving award upto 31-1-1985. The parties desired that the hearing may be completed and award be released before 31-1-1985 positively. On 13th December, 1984, the arbitrator reached Pathakhera and there being 2 cases, fixed hearing in this case the next day. On 14-12-1984 final hearing took place in the instant arbitration case at Pathakhera when the parties as mentioned above represented the employers and the workman.

UNION'S CASE

3. On behalf of the workman, Shri S. K. Rao drew attention to the written statement dated 10-5-1984 filed by the Union along with 4 documents. He explained the case at length highlighting the pit-falls in the enquiry proceedings and the entire action of the management based on the Certified Standing Orders of NCDC (1969) under which the present Management (WCL) continues to take action.

3.1 Summarising his case, Shri Rao pointed out that the whole enquiry is illegal, malicious, vindictive and punitive. He argued that this is nothing but a case of victimization to an active trade union leader. Shri Rao also pointed out that the entire enquiry proceedings adopted by the Enquiry Officer is challengeable and particularly the attitude of the management during the proceedings changing from time to time the management representative to present the case before the Enquiry Officer are some of the specimen to throw light on the type of the enquiry that has been conducted. Shri Rao also asserted that according to him the delinquent workman was not afforded an opportunity to cross-examine the Finger Print Expert Shri Bhante of Nagpur, nor was Shri Khedu Ram given an opportunity to produce his own Finger Print Expert during the enquiry.

3.2 According to Shri Rao, the very fact that the LTI of Shri Khedu Ram was not taken afresh before sending it to the Finger Print Expert, makes the entire thing a 'fishy'. As the Finger Print Expert was paid his high charges, it is not unlikely that the report given by him was a tailored one to suit the management.

3.3 Shri Rao further stated that it is the General Manager who is the appointing authority responsible for terminating the services. But in the instant case it is the sub-Area Manager who has usurped the powers of the General Manager which is illegal. Shri Rao also pointed out that the Standing Orders of NCDC certified in annex by the then Chief Labour Commissioner (1969) no more continued to have any legal force after 1973 to the NCDC Mines in this part of the country taken over by the new Co. viz. WCL. As this certified Standing Orders of the NCDC according to him has no legal force the entire action of issuance of charge-sheet, holding of enquiry, imposing penalty of dismissal and rejecting of appeal has been illegal and in view of the illustrative points Shri Rao prayed that the dismissal be declared unjustifiable and illegal and Shri Khedu Ram be reinstated in his original position with full back wages.

MANAGEMENT'S CASE

4. Shri R. Menon, Advocate argued the case on behalf of the employers. He drew attention to the employers' written statement dated 14-5-1984, rejoinder dated 24-6-1984 and the list of 6 documents filed on 18-7-1984 copies of which had already been supplied to the opposite party. He had initially filed a petition praying the Arbitrator that the legality or otherwise of the enquiry be decided first before entering into the merits of the case. After hearing briefly the learned representatives of both the parties, the Arbitrator gave an oral decision that he would proceed with the case and while arguing, the management is at liberty to highlight

all the connected aspects of the enquiry hence the case was heard in detail.

4.1 Shri Menon reiterated that the allegation about the biasness in appointing a particular authority as an Enquiry Officer has absolutely no hearing as the Enquiry Officer appointed was superior to Shri Jethi, the Manager. Giving various aspects of the enquiry, right from the stage of charge-sheet, the management pointed out that the enquiry was held strictly in accordance with the provisions of the certified Standing Orders. He further asserted that full opportunity was given to the charge-sheeted workman Shri Khedu Ram who had fully participated in the enquiry wherein 2 witnesses were also examined and the witnesses of the management were cross-examined. The opposite party has not shown any valid ground to prove his contention that the enquiry is vitiated.

4.2 He further indicated that mere request for changing the Enquiry Officer at a particular stage was of no avail as no tangible grounds were shown in the request so made. Hence it was rightly turned down by the Management.

4.3 On behalf of the management it was denied that there was any victimization involved in issuance of charge-sheet, proceeding with the enquiry and on the basis of Enquiry Officer's report and further examination by the Management, the dismissal of Shri Khedu Ram. According to Shri Menon there was nothing new in asking the involved MTK to supervise the payment as this has been the practice and this workman himself in the past had supervised the payment. Touching an oral decision that he would proceed with the case and upon the merit of the case, Shri Menon pointed out that when it was revealed that Shri Indal S/o Kishori had not received his October 1977 payment on the date of payment which was 9-11-1977 the matter had been processed as per the usual practice viz. the complaint to the Manager Labour Welfare Officer etc. It is incorrect, according to Shri Menon to say that the complaint by Shri Indal Kishori is false as the Enquiry proceedings will amply prove that the complaint was genuine.

4.4 After receipt of the complaint in writing, after preliminary enquiries a proper charge-sheet was issued and enquiry commenced in July 1978. Shri Menon thereafter highlighted about the report of Finger Print Expert and relevant portions of evidence during the domestic enquiry. He agrees that the Enquiry Officer had denied the opportunity to cross-examine the management witness—Finger Print Expert as that facility is available to the workman himself or his co-worker or an office bearer of trade union of which he is a member. Nonetheless Shri Menon pointed out that the workman had the full opportunity to have the photostat copies of finger print of which Shri Bharge had referred during his evidence or his report and the workman had himself sought assistance of an advocate at Nagpur as well as another finger print expert Shri Phiske.

4.5 Shri Menon thereafter explained how the standing orders certified in 1969 in respect of NCDC Collieries continue to have legality over the matter covered by the certified standing orders to the employees of this Colliery which now belongs to WCL, a company of Coal India Ltd. According to him, the workman was appointed in 1968 by NCDC and with the transference of the ownership of the colliery to subsequent authorities viz. CMAL/CIL, the contract did continue. The other service conditions also continued with various improvements in between. The certified Standing Orders being a part of contract of the workman, any action taken under the said certified Standing Orders is absolutely legal and cannot be challenged.

4.6 Finally, Shri Menon narrated his case saying that the action of the WCL arises in issuance of charge-sheet conducting the enquiry based on the Enquiry Officer's Report after due consideration, inflicting a punishment of dismissal on Shri Khedu Ram is within the frame-work of law and cannot be challenged. In view of this Shri Menon prayed that the reference made to the Arbitrator may be answered accordingly.

Arbitrator's Findings :

5 The parties were given all reasonable and full opportunity to enable them to submit their statement/documents and I heard the arguments of the parties patiently. I have considered in detail the contentions of the parties and have examined their documents and statements in the matter.

5.1 Shri S. K. Rao, the learned representative presenting the case of the workman based his arguments on certain basic points. Firstly, he expressed that the Certified Standing Orders of NCDC Ltd. certified as back as in 1969 by the then Chief Labour Commissioner(C) in appeal, did not hold good in view of the fact that the NCDC is no more in existence and the WCL does not have its own Standing Orders. Hence, according to him the entire action right from the stage of issuing charge-sheet to the stage of dismissal is illegal. It appears the very fundamentals of the Act governing the Standing Orders known as Industrial Employment Standing Orders Act, 1946 have been lost sight of while arguing on behalf of the workman. The Act is a sufficient piece of Legislation, its object is to require, as its preamble and a long title lays down, the employers in Industrial Establishments to define with sufficient precision, the conditions of employment of workmen employed under them and to make them known to such workmen. The Act makes it obligatory for the Establishments to which it applies to reduce in writing conditions of employment and get them certified. The Standing Orders are nothing but rules relating to matters set out in the Schedule to the Act. In the absence of a statutory provision, the mere fact that ownership of the Industrial Establishment has changed hands (from NCDC to CMAL to CIL-WCL), the Standing Orders which were applicable to the industrial establishments of its previous owner would not automatically cease to apply merely because the industrial establishment is now owned by some other Authority/Company/Corporation. Similar view was taken in the case of Shri Hari Shanker V. Rural Electrification Divn., reported in 1976 Lab IC 1720 (FB) (All). In view of this, the contention of the workman on the ground of non-applicability of the existing Standing Orders is not maintainable.

5.2 Secondly, the workman has attempted to build his case on the ground that the principles of Natural Justice which have not been followed. The principles of Natural Justice which have been laid down by the Courts stipulate the minimum protection of the rights of the individual against the arbitrary procedure that may be adopted by an employer or judicial or quasi-judicial Authorities while making orders. These are merely intended to prevent such Authorities from doing injustice. These principles which are now well settled are following :—

1. That every person whose rights are affected must have a reasonable notice of the case he has to meet.
2. That he must have reasonable opportunity of being heard in his defence.
3. That the hearing must be by an impartial person who is neither directly nor indirectly a party to the case, and
4. That the Authority must act in good faith and not arbitrarily but reasonably.

It is to be noted that the principles of Natural Justice are not immutable in the sense that they must be observed as a ritual. They will depend upon the facts and circumstance of each particular case. The basic concept is fair play in action.

5.3 In the instant case, the charge-sheet which has been given to the workman on 17-6-1978 lays down clearly the charge and the Annexure to the charge-sheet makes the issue for which the workman has been charged still more clear. It would have been proper for the employer to enclose a copy of the written complaint filed by Shri Indal S/o Kishori along with the charge-sheet. However, Shri Indal who had not received the due payment had appeared as a management witness and full opportunity was given to cross-examine him as is seen from the enquiry proceedings. In view of this, the arguments that the Principles of Natural Justice have not been followed appear to have been made in a very casual manner without proving insincere manner as to the particular aspect which has been ignored by the management. Hence on this score also the workman has no case.

5.4 The undisputed facts of the case are that October, 1977 payments were to be made on 9-11-1977 and Shri P.R. Baghmare Semi-Clerk was to work as Payment Clerk and Shri Khedu Ram MTK was assigned the work of payment Supervisor on that particular day. Shri Indal S/o Kishori even when he went to the spot to receive the payment was not given the same and instead Shri Khedu Ram had asked him that there appears to be some confusion hence he should wait. Shri Indal waited for 2 hours. Thereafter Shri Khedu Ram asked Shri Indal to give an application for unpaid wages to which Shri Indal refused on the ground that when he was physically present to receive the payments why should he give such an application.

5.5 The charge-sheet given to Shri Khedu Ram in short is for (i) sheer negligence (ii) defalcation with connivance. These two are misconducts under Order No. 17 (i) (a) and 17 (i) (f) of the Certified Standing Orders applicable to this Establishment.

5.6 Shri Khedu Ram and Shri P. R. Baghmare were both charge-sheeted separately for non-payment of due wages for October, 1977 to Shri Indal S/o Kishori on 9-11-1977 which was a payment day. During enquiry proceedings before the Enquiry Officer, the management had produced in support of their case sufficient oral and documentary evidences. The oral evidence of Shri Indal S/o Kishori and his corroboration by the documentary evidence clearly prove that the payments were not received by him though the wage sheet showed some thumb impression of some one in token of having received payments. The management had taken care to go to the root to find out as to whose thumb impression it was. The report of the Hand writing and finger print expert, Nagpur clearly proves that the thumb impression in the wage sheet did not belong to Indal S/o Kishori. Shri Khedu Ram being Payment Supervisor was supposed to identify the worker before announcing the amount to be paid by the Pay Clerk. The oral evidence as well as written opinion of Shri C. T. Bhagay, Hand Writing and Finger Print Expert, Nagpur proves that the said thumb impression on the wage sheet belonged to Shri Khedu Ram himself. I have perused the original report of the finger print Expert and the premises on which he has based his conclusions. These leave no doubt to the effect that Shri Indal did not receive his payments.

5.7 Considering the evidences, oral and documentary, I find that the charge of negligence stands completely proved. The second charge of the defalcation with connivance is also proved against Shri Khedu Ram. It is really unfortunate that the Payment Supervisor should have behaved in the manner as he did in the instant case.

5.8 The above are really serious misconducts inasmuch as these are acts or conducts prejudicial to the interest and reputation of the employer. Further, this is an act or conduct making it unsafe for the employer to retain such a person in service. If an employee conducts himself in a way inconsistent with the faithful discharge of his duties in the service, it is very serious misconduct and justified dismissal. The above observations receive ample support from the decisions/rulings of the Superior Courts.

6. Considering the evidences on record and my above findings, I hold that the action of the Management of Western Coal-fields Ltd. Pathakhera Area District Betul in dismissing Shri Khedu Ram S/o Shri Ram Sumer, MTK w.e.f. 9-2-1980 is justified. The reply to the former part of the reference being positive, the question of any relief does not arise.

7. I give my Award accordingly.

8. I am grateful to both the parties for their full cooperation during the course of Arbitration proceedings before me.

New Delhi

30-1-1985.

H. G. BHAVE, Dy. Chief Labour Commissioner(Central)
and Arbitrator

[No. L-22013(3)|83-D.III(B)|D.V.]

का०आ० 698.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, वेस्टर्न कोलफील्ड्स लिमिटेड, पाठाखेरा एरिया, जिला बेतुल (मध्य प्रदेश) के प्रबन्धतान्त्र से सम्बद्ध नियोजकों और उनके कर्मकारों के बीच औद्योगिक विवाद में श्री एच०जी० धावे, उप मुख्य श्रमायुक्त (केन्द्रीय), मध्यस्थ, के माध्यस्थम पंचाट को, जो अनुबंध में दराया गया है, प्रकाशित करती है। यह माध्यस्थम पंचाट 31 जनवरी, 1985 को केन्द्रीय सरकार को प्राप्त हुआ था।

S.O. 698.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Arbitration Award of Shri H. G. Bhave, Deputy Chief Labour Commissioner (Central), Arbitrator, as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Western Coalfields Limited, Pathakhera Area, Distt. Betul (M.P.) and their workmen, which was received by the Central Government on the 31st January, 1985.

ANNEXURE

In the matter of Arbitration in the Industrial Dispute between Western Coalfields Limited, Pathakhera Area, District Betul (M.P.) and their workman Shri P. R. Baghmare, ex-semi Clerk, Gr. III, Pathakhera Coalmines with effect from 11-2-1980.

PRESENT:

H. G. BHAVE,

Dy. Chief Labour Commissioner (Central)..... Arbitrator
Representing WCL

Shri D. S. Gill,

Dy. Chief Personnel Manager,
Pathakhera Area.
Representing Workman
Shri P. R. Baghmare

AWARD

INDUSTRY : Coal

STATE : Madhya Pradesh

By an arbitration agreement under Section 10-A of I.D. Act, 1947, between the management of Western Coalfields Ltd., Pathakhera Area, District Betul and Shri P. R. Baghmare, Ex-Semi Clerk, Gr. III, Pathakhera Coalmines reached on 6-2-1984 which was published by the Government of India, Ministry of Labour vide their Order No. L-22013|4|83-D.III(B) dated 7-3-1984, the parties agreed to refer the following issue to my arbitration :—

"Whether the action of the management of Western Coalfields Limited, Pathakhera Area, District Betul (MP) in dismissing Shri P. R. Baghmare, ex-Semi Clerk Gr. III, Pathakhera Coal mines Cl/o Shri J. L. Pugariyaji Kothi Bazar Betul (MP) with effect from 11-2-1980 is justified ? If not, to what relief the workman is entitled ?"

2. After the arbitration agreement was released for publication in the Gazette of India, the Registered A.D. letters were sent to the parties on 18-4-1984 calling for their written statement within 15 days endorsing copy to the opposite party simultaneously. Written statement of the employers sent on 21-5-1984 was received by me on 28-5-1984. Similarly, the written statement dated 2-5-1984 sent by the workman along with copies of 3 documents was received by the arbitrator on 12-5-1984. Telegraphic intimation was sent to the parties to attend the arbitration proceedings on 5th and 6th July, 1984 in the Office of the ALC(C) Bhopal. Accordingly, the first hearing was held at Bhopal on 6-7-1984 when both the parties were present. As the arbitration agreement had provided for a period of six months only for giving the Award and that was to be over shortly, the parties extended on 6-7-1984 the period by

three months beyond 5-8-1984 by a joint agreement. In the hearing on 6-7-1984, the workman expressed that he had no further documents to file. The employers requested for filing copies of certain relevant documents for which they wanted time. Time of 15 days was allowed. Next date for evidence, if any and arguments was to be fixed at Pathakhera at the request of the parties. On 26-6-1984, the management submitted its rejoinder on the written statement of the workman which reached the arbitrator on 10-7-1984. On 18-7-1984, the Deputy Chief Personnel Manager, Pathakhera Area, submitted copies of eight documents with a copy to the opposite party. The same were received by the arbitrator on 31-7-1984. The workman submitted on 29-8-1984 his rejoinder. Subsequently vide Notice dated 5-12-1984, the parties were informed about further arbitration proceedings at Pathakhera on 13-12-1984. In the meantime, on 4-11-1984, the parties gave a joint communication to the arbitrator extending the time for giving award upto 31-1-1985. The parties were informed about further arbitration proceedings award be released before 31-1-1985 positively. On 13-12-1984, final hearing took place in the instant arbitration case at Pathakhera when the parties as mentioned above made appearance.

3. The workman, Shri Baghmare reiterated the stand taken by him in his written statement dated 2-5-1984 and the rejoinder dated 29-8-1984 and explained his case in brief. He was represented in the departmental enquiry by his Co-worker, Shri Krishna Modi. He mainly points out that according to him he was not at all guilty in the entire episode because as a Pay Clerk on duty that day he had merely obeyed the instructions of the Payment Supervisor, Shri Khedu Ram. He does not know each worker individually and he cannot vouch-safe that against Sl. No. 50 in the concerned Wage sheet the workman who had received the due amount was Shri Indal S/o Kishori.

3.1 According to him the Enquiring Officer did not specifically examine duties of Pay Clerk, vis-a-vis Pay Supervisor. He maintained that he could not be legally and lawfully implicated in the alleged wrong payment. All said and done, Shri Baghmare felt that it would have been in the fitness of things had only the management at the most arranged to recover the amount of Rs. 377.93 alleged to have been wrongly paid to some one else from the Supervisor and Pay Clerk.

3.2 The order of dismissal in regard to such a small and partly amount Shri Baghmare felt is absolutely disproportionate to the alleged guilt. He prayed that he being innocent in the entire case, the Arbitrator may quash the order of dismissal inflicted by the Management upon him.

4. On behalf of the employers, Shri D. S. Gill, Deputy Chief Personnel Manager, WCL, Pathakhera Area filed a petition praying that the legality or otherwise of the domestic enquiry be decided first, before entering into the merits of the case. After perusing this petition, the Arbitrator indicated that he would proceed ahead in the matter and while hearing the arguments on this issue as well, the management can argue on the maintainability of the departmental proceedings. The award will be released, the arbitrator said, after hearing the case in the entirety.

4.1 Shri Gill reiterated the contention of the Management as contained in the Written Statement dated 21-5-1984, rejoinder dated 26-6-1984 and the 8 documents filed by the WCL on 18-7-1984.

4.2 Summarising the employers' case, Shri Gill stated that after receipt of the Jr. Vigilance Inspector's Report dated 14-6-1978, a charge-sheet was served on 17-6-1978 to Shri Baghmare for misconducts under clauses 17.1(a) and (f) of the Certified Standing Orders as applicable to the Colliery. After the receipt of the reply dated 19-6-1978 from Shri Baghmare, as it was considered to be unsatisfactory an office Order was passed on 19-7-1978 indicating that his explanation to the Chargesheet was not satisfactory. Shri S. Y. Wakhare, the then Supdt. of Mines was appointed as an Enquiry Officer who conducted the enquiry giving full opportunity to the charge-sheeted workman in which he fully participated either himself or through accredited representative (co-worker).

4.3 The Enquiry Officer's Report dated 9-1-1980 proved that the charges levelled against Shri Baghmare were substantiated. In view of this position and after duly considering

the enquiry proceedings/enquiry report, the Staff Officer (M) passed orders on 9-2-1980 dismissing the services of Shri Baghmare w.c.f. 11-2-1980. Even though establishments' Standing Orders provided a period 30 days for filing appeal, Shri Baghmare belatedly filed his appeal on 10-5-1980 which was duly considered but turned down in June, 1980. As the Charge has been fully proved, there is no question of any reconsideration in the matter and the Arbitrator may kindly pass award accordingly, prayed Shri Gill.

FINDINGS

5. The parties were afforded all reasonable and full opportunity by me to enable them to submit their statement/documents. Arguments were also heard at length and patiently. I have considered the contentions of the parties and have examined all documents so filed before me. Let me now analyse the case hereunder.

5.1 The management, in their claim statement dated the 21st May, 1984, have stated that there is a usual practice to depute a Clerk once a month at the time of disbursement of the salaries of the employees to function as Pay Clerk and for that the Pay Clerk is paid the Payment Allowance. Shri Baghmare, Semi Clerk/Grade-III was also deputed for the same job. This job of Pay Clerk was not given to him on regular basis. On 9-11-1977, Shri Baghmare was deputed as Pay Clerk along with Shri Khedu Ram, Supervisor. The management alleged that Shri Indal S/o Shri Kishori was not paid his salary by Shri Baghmare and on the other hand, the amount was shown as paid to Shri Indal. According to the management, Shri Baghmare, Pay Clerk and Shri Khedu Ram, Pay Supervisor, connived with each other in the matter.

5.2 On the complaint from Shri Indal S/o Kishori, for non-payment of his wages, an enquiry was conducted by Vigilance Inspector and after finding the prima-facie case, the workman Shri Baghmare and co-accused Shri Khedu Ram, Pay Supervisor were charge-sheeted and departmental enquiry was conducted and on the findings of the Enquiry officer, the management dismissed both Shri Baghmare and Shri Khedu Ram from service. The management, in their application, have taken the plea that all possible opportunities were given to Shri Baghmare to defend himself and impartial domestic enquiry was conducted. The workman was found guilty of the charges levelled against him and accordingly he was dismissed w.e.f. 11-2-1980 from service for proved misconduct, i.e. defalcation and misappropriation of company's case.

5.3 The workman, Shri P. R. Baghmare, ex-Semi Clerk, Gr. III, Pathakhera Coalmines submitted his claim statement on 2-5-1984. First enclosure to this is his representation dated 4-10-1981, addressed to the Managing Director, Western Coalfields Ltd, Nagpur. According to the statement of the workman, he joined the Pathakhera Coalfields as Clerical Apprentice from 18-11-75 and after passing prescribed test as Semi-Clerk Gr. III, he was taken on regular establishment with effect from 1st Feb. 1977. He stated that he was ordered to make payment to gangs of workers on 9-11-1977 along with Shri Khedu Ram, Senior Supervisor for identification of the workers. The payment started at Counter Window No. 2 of the Canteen Building and till 3.00 P.M. there was no rush but thereafter he made payment to the tune of about Rs. 99,000/- to about 300 workers between 3 P.M. and 5 P.M.

5.4 According to Shri Baghmare, Shri Khedu Ram, Supervisor, being acquainted with the workers, kept the wage sheet before him called names of payees, identified them, obtained their signatures/thumb impressions on it and shouted the amount to be paid to them one by one and the Pay Clerk discussed the amount of wages accordingly. Similar type of procedure was also followed on earlier occasions. Often, the payees did not possess identity cards or even the Bonus Cards and some of them used to produce payment slips from the Quarry Manager or the Labour Welfare Officer to establish their identity.

5.5 On 9th November, 1977, a person named Indal S/o Shri Kishori reached the Counter with a payment slip and alleged that he had not received the payment of his wages for October, 1977. On checking the wage sheet, it was observed that there was a thumb impression against his name on serial No. 50 and it was duly attested by Shri Khedu Ram, Supervisor, for payment of Rs. 377.93. Shri Baghmare

has further stated that even after 9th November, 1977, he was entrusted with the duty of the Pay Clerk till his Suspension Order dated 19th June, 1978. According to him in case there would have been anything against him, he would not have been entrusted with the duty of a Pay Clerk after the alleged incidence of 9th November, 1977.

5.6 The workman received on 19th June, 1978 the suspension order and charge sheet dated 17th June, 1978 for serious misconduct. According to him, this action was resorted to on an alleged complaint dated 25th April, 1978 from Shri Indal s/o Kishori.

5.7 The management conducted domestic enquiry and dismissed the workman from service with effect from 11th February, 1980 vide order dated 9th February, 1980. He also submitted an appeal on 10th May, 1980 to the General Manager but the same was rejected on 16th June, 1980. He again submitted further appeal dated 4th October, 1981 now to the Managing Director. In his appeal, he has taken the plea :—

- (1) Shri Indal did not possess identity card on 9th November, 1977 as proved in the enquiry.
- (2) Shri Indal produced the payment slip during the enquiry and it was not proved to be genuine.
- (3) The thumb impression against Shri Indal in wages sheet was not his own, i.e. Shri Indal's.
- (4) Shri Indal lodged a complaint as late as on 25th April, 1978 for the alleged non-receipt of payment of his salary for October, 1977 on 9th November, 1977. This inordinate delay proves beyond doubt the genuineness.
- (5) At no stage, the management called the workman Shri Baghmare and Shri Khedu Ram, Supervisor, for clarification.

5.8 The management have not clarified the responsibilities and duties of a Junior Semi-Clerk Grade III entrusted with the duty of a Pay Clerk for disbursement of heavy amounts to workers. During the course of the enquiry, the Presiding Officer avoided discussions on these vital points.

5.9 The Finger Print Expert, Shri Bhagay, for the management and Smti Phiske for the workman and Shri Khedu Ram, Supervisor have figured in the enquiry. Shri Bhagay opined that the thumb impression on the original wage sheet tallyed with the thumb impression of Shri Khedu Ram, Supervisor, on more than 8 counts. The LTI's were in no case of Shri Baghmare or Shri Indal. According to the Finger Print Expert of the management, Shri Bhagay and the witness from management's side, the workman Shri Baghmare was not in the picture but the Supervisor, Shri Khedu Ram, alone was the culprit.

5.10. Shri Baghmare has further taken the plea that he did not know either Shri Khedu Ram, Supervisor of Shri Indal before 9th November, 1977. The workman performed the duty of a Pay Clerk as and when assigned during previous six months prior to 9th November, 1977 without any fault.

5.11 The management have confirmed in their rejoinder that Shri Khedu Ram was entrusted with the duty of Payment Supervisor along with the Pay Clerk, Shri Baghmare. The management first conducted the enquiry through the Vigilance Inspector and thereafter full-fledged enquiry was conducted. But the rejoinder is silent as to who filed the complaint and when the complaint was received why Shri Indal for more than 5 months did not lodge written complaint regarding non-receipt of payment of his wages for October, 1977. The management have further taken the plea that the accused workman had tried to forge documents to prove that Shri Indal was paid his wages. But it is observed that the management have not alleged that Shri Baghmare forged the documents.

5.12 The management have stated that it is proved that Shri Indal did not receive his payment on 9th November, 1977 and the same was drawn by Shri Khedu Ram, Supervisor, by putting his own acquaintance with the connivance of Shri Baghmare to share the misappropriated amount between them.

5.13. On 18th July, 1978, the Enquiry Officer first of all asked about the receipt of the charge-sheet, acceptance of the charges, etc., from Shri Khedu Ram and also that the enquiry proceeding was signed by Shri Krishna Modi, Shri H. P. Singh and Shri Khedu Ram. Thereafter, there is no reference as to how the management immediately induced their witness Shri G. R. Rathore, the Vigilance Inspector and after taking on record the statement of Shri Rathore, Vigilance Inspector, it is observed from the proceedings that the signatures of Shri Baghmare were also obtained on the proceedings dated 18th July, 1978 along with S/Shri Krishna Modi, H. P. Singh, Shri Rathore, Khedu Ram and Baghmare. Strangely enough it was only vide letter dated 19th July, 1978 that the General Manager, Pathakhera rejecting the reply of Shri Baghmare to chargesheet had ordered detailed enquiry into the charges by Shri S. Y. Wakhare S.O.(M). How came then that Shri Baghmare's enquiry also commenced on 18th July, 1978. The enquiry proceedings denotes that the departmental enquiry was conducted jointly for S/Shri Baghmare and Khedu Ram but at no stage it has come on the record of the Enquiry proceedings as to who requested, as to how the joint proceedings have started as there is no submission of the parties before the Enquiry Officer when the same started on 18th July, 1978. The findings of the Enquiry Officer proves that Shri Indal s/o Kishori tendered oral evidence but the written complaint dated 25th April, 1978 allegedly made by Shri Indal was not filed by the management as a document before the Enquiry Officer. This complaint was also not given to the workman along with charge-sheet. In his findings, the Enquiry Officer has said "the conclusion arrived at by the evidence" "Conclusively proves that the payment was not made to Shri Indal S/o Kishori and was made to a wrong person. The charges in the said charge-sheet, therefore, stand completely proved".

5.14. It is observed that the management at no stage have specifically defined the duties of a Pay Clerk and Payment Supervisor. It is observed that Shri Khedu Ram came in the employment on 17th June, 1968 and in a span of about 10 years, his services with the management, he got himself acquainted with the workman and as a Pay Supervisor it is he who was required to identify the workers and on his recommendation, the Pay Clerk was required to disburse the wages.

CONCLUSION

6. The charge-sheet dated 17th June, 1978 issued to Shri Baghmare contains two misconducts which are reproduced below :—

- (1) 17(i)(a)—Theft, fraud or dishonesty in connection with the employer's business or property;
- (2) 17(i)(t)—Habitual or serious neglect of work.

All what has been analysed in the preceding paragraphs will indicate that the charge of theft, fraud/dishonesty has not been proved against Shri Baghmare. In a similar other arbitration case relating to Shri Khedu Ram, who has been similarly charge-sheeted and dismissed, it was proved that he and he alone was responsible for the dishonesty of putting thumb impression against the name of Shri Indal S/o Kishori. Nowhere in the enquiry the connivance of Shri Baghmare in defalcating the amount of Rs. 377.93 (October, 1977 wages of Shri Indal S/o Kishori) has been proved or even obliquely mentioned. As the punishment of dismissal has already been inflicted upon Shri Khedu Ram and it has been upheld in the arbitration award dated 30-1-1985, this charge against Shri Baghmare fails to ground.

6.1 Let me now come to the second charge which in the certified Standing Orders is worded as "Habitual or serious neglect of work". In regard to 'neglect of work' the workman owes a duty to his employer to exercise reasonable care in the performance of this duty. In other words, an employee must exercise reasonable care and skill in the performance of his duty. A workman who deliberately neglects to carry out his work or performs his duty, when required to do with reasonable care, is guilty of misconduct or negligence. This view was taken by the Superior Court in the case, of Jupiter General Insurance Company Ltd. V/s. Shoraf (1937), Shri Baghmare, as per the evidence available on record, was merely responsible to effect payment after the pay Supervisor has identified the workers and acquaintance of the workman has been obtained. Hence, after Shri Baghmare might have seen some LTI against the name of Shri Indal, on the basis of the orders of the Pay Supervisors he handed over the amount.

Hence in this episode, no neglect of duty as such on the part of Shri Baghmare is involved. Even if some error in parting away with that amount is ascribed to Shri Baghmare, that error in performing his duty can hardly be styled as negligence. In view of the ruling of the Superior Court in the case of Naveen Chandra & S. Shah V/s. Ahmedabad Cooperative Departmental Store Ltd. (1979)—I. LLJ 60(63) (Guj.).

6.2 The standing orders(f) uses alternatives 'Habitual' or 'serious' in respect of the neglect of work. As examined above the neglect if at all it is there is not that serious on the part of Shri Baghmare. Further, to bring a particular act or omission under the head "Habitual Neglect of work", it is essential to be established that the workman is negligent or negligent in the discharge of his duty as a habit or a confirmed tendency on his part, isolated or stray incident of neglect which does not have very serious consequences will not constitute misconduct to warrant the punishment of dismissal, keeping in view the rulings in the case of Edward V/s. Levy (1960) and P.O.R.R & Sons (P) Ltd. V/s. Presiding Officer of Labour Court (1974)—I. LLJ 517 (MAD). Mere slackness of work, however, is not sufficient to constitute the serious evidence of habitual neglect warranting an order of dismissal according to the decision in the case of management of Mettur Spinning Mills V/s. Labour Officer, Salem (1977) I.L.B. IC 1462 (1464) (MAD). In the light of this position, the second charge also is not proved beyond doubt against Shri P.R. Baghmare.

7. Considering the evidences on record and my above findings and conclusions, I hold that the action of the management of WCL in dismissing Shri P. R. Baghmare, Semi Clerk Gr. III with effect from 11-2-1980 is not justified and is hereby quashed. The workman is reinstated with full back wages and continuity of service. The management shall also pay him wages for the suspension period after adjusting the subsistence allowance already paid.

I Award accordingly.

8. I am grateful to both the parties for their full cooperation during the course of arbitration proceedings before me.

H. G. BHAVE Dy. Chief Labour Commissioner (Central)
and Arbitrator.
New Delhi,
Dated : 31-1-1985.

[No. L-22013(4)/83-D.III(B)/D.V]

का०आ० 699.— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, भारतीय खाद्य नियम, बरनाला के प्रबन्धतंत्र से सम्बद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबन्ध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, चंडीगढ़ के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 29 जनवरी 1985 को प्राप्त हुआ था।

J.O. 699.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Chandigarh, as shown in the Annexure in the industrial dispute between the employers in relation to the management of Food Corporation of India, Burnala, and their workmen, which was received by the Central Government on the 29th January, 1985.

ANNEXURE

BEFORE SHRI I. P. VASISHTH, PRESIDING OFFICER,
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL,
CHANDIGARH

Case No. I.D., 17/84

PARTIES :

Employers in relation to the management of Food Corporation of India, Sector-17, Chandigarh

AND

Their workman, Balbir Singh.

APPEARANCES :

For the Employers—Shri B. L. Laroiya.

For the Workman—Shri Pawan Kumar Singla.

Food Corporation of India

STATE : Punjab

AWARD

Dated, the 21st of January, 1985

The Central Government, Ministry of Labour, in exercise of the powers conferred on them under Section 10(1)(d) of the Industrial Disputes Act, 1947, hereinafter referred to as the Act, vide their Order No. L-42012(19)/83-D.IV(B)/D.V dated the 28th of May, 1984 referred the following industrial dispute to this Tribunal for adjudication .

"Whether the termination of employment of Shri Balbir Singh Watchman Food Storage Depot, Burnala by the Management of F.C.I., is justified and legal? If not, to what relief is Shri Balbir Singh entitled to and from what date?"

2. As a matter of fact this Tribunal was already seized a number of similar cases covered under I. D. Reference No. 18 of 1983. After serious contest between the parties the said Reference was answered in favour of the workmen by me on 29-9-1984. It was accepted by the Appropriate Government and, on due publication in the Gazette, honoured by the Management with the result that besides the workmen directly involved therein even the petitioner has since been re-instated w.e.f. 13-1-1985 as should be evident from the statement of his Representative and the endorsement recorded by Shri Laroiya on behalf of the Management. It may also be worthwhile to note that meanwhile Misc. Application No. 214 of 1984 under Section 33-A of the Act was also decided by me on 4-1-1985 in the light of the aforesaid development.

3. The position thus emerges to the effect that the dispute services no more and the Reference becomes redundant. Accordingly I return my Award with no comment on merits. Chandigarh,

21-1-1985.

I. P. VASISHTH, Presiding Officer
[No. L-42012(19)/83-D.IV(B)/D.V]
S. S. MEHTA, Desk Officer.

नई दिल्ली, 7 फरवरी, 1985

का०आ० 700.— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, उप क्षेत्रीय प्रबन्धक, सुरकाष्ठा एवं बैलफाइल्ड के प्रबन्धतंत्र से सम्बद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबन्ध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण जबलपुर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को पहली फरवरी, 1985 को प्राप्त हुआ था।

New Delhi, the 7th February, 1985

S.O. 700.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Jabalpur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Surakachar Colliery or Western Coalfields Limited, Bilaspur and their workmen, which was received by the Central Government on the 1st February, 1985 :—

ANNEXURE

Case No. CGIT/LC(R)(46) of 1983

[Notification No. L-22011(89)/82-D.III (B)] dated 24-8-1983.

PARTIES :

Employers in relation to the Management of Sub Area Manager, Surakachar Colliery or Western Coalfields Ltd., Dist. Bilaspur (MP) and their workman, Dhaniram.

APPEARANCES :

Shri P. S. Nair, Advocate—for the Management.

Shri Rambilas Shobhnath—for the Union.

Date of decision : 24-1-1985

INDUSTRY : Coal Mining DISTRICT : Bilaspur (MP)

AWARD

The Central Government in exercise of its powers under section 10 of the Industrial Disputes Act, referred the following dispute for adjudication vide notification No. L-22011(89)/82-D.III (B), dated 24-8-1983 :—

"Whether the action of the Sub Area Manager, Surakachar Colliery of Western Coalfields Limited, Post Banki Mogara Dist. Bilaspur in terminating the services of Shri Dhaniram S/o Shri Gangaram Piece-rated Loader is justified? If not, to what relief the workman is entitled?"

Dhaniram, workman, at the relevant time was engaged as a Piece Rated Loader in Surakachar Colliery. A piece-rated worker is one who is not paid daily wages but is paid according to the quantity of work done by him. This payment is made weekly or even monthly.

According to the case of Management, Dhaniram was issued a charge-sheet that he had been habitually absent between the periods from July, 1980 to March, 1981 and this being a major misconduct, they wanted to hold a Departmental Inquiry against him. One Mr. M. P. Sharma was appointed as Inquiry Officer, who after holding the inquiry, came to the conclusion that between the period from July, 1980 to March, 1981, Dhaniram worked for only 52 days, and therefore he had remained habitually absent. His services were, therefore, liable to be terminated. The findings arrived at by the aforesaid officer were accepted by the Management and accordingly the services of the workman were dispensed with. The Management contends that if a workman is habitually absent, their production suffers and such a workman should not be kept in employment.

The defence of the workman as disclosed in reply to the charge-sheet was that he had been sick most part of the relevant period and thus prevented from doing the work. He had candidly stated that he had not voluntarily absented himself but because he was indisposed due to illness. He could not lift heavy load because of the pain in the back. He then stated that in future, he would not absent himself and he may be pardoned.

The concerned workman is a wholly illiterate person though he can sign in Hindi, he cannot read and write. In the inquiry, attempt was made to short-circuit the proceedings by taking his signatures on the statements which it would

be seen, could not have been made by him. These statements are put forth as admissions of the workman. I may, therefore, straightaway take up this part of the inquiry.

The workman has a right to be assisted by a co-worker in the inquiry. It is more so in case of an illiterate worker because he does not know what documents he was asked to sign. The proceedings dated 7-8-1981 would show that besides the Inquiry Officer, the Presiding Officer and the two witnesses of the Management were present. The witnesses of the Management—the Time Keeper and the Shift Munshi—could not be asked to testify the proceedings for the reason that the workman was not relying on them. In fact, according to him, they were untruthful persons. They were not independent persons. In the circumstances of the case and their signatures on the minutes of the proceedings were no guarantee of the exact truth of what was recorded. Turning to the proceedings dated 7-8-1981 to appreciate whether having regard to the human nature and the common course of events, the workman concerned could have made the statements as attributed to him. I will take the statement sentence by sentence in seritum. The inquiry proceedings commenced by a statement by the Presiding Officer stating that the delinquent workman does not want to have the help of a co-worker. Now, it may be stated that in his evidence and in his statement, in the case, the workman had clearly stated that he had never refused the help of a co-worker. The provision, that the charge-sheeted workman ought to be provided with the help of a co-worker is advisedly kept for illiterate persons, then why should such a person refuse help?

Dhaniram is now said to have stated that he had remained absent, that the registers of the Colliery were bound to reflect the absence and, therefore, there would be no good reason to take the assistance of a co-worker in the domestic inquiry. Strangely enough then the statement attributed to him is that he said that he could read and write. The proceedings of the Inquiry Officer show that this statement (that he could read and write) clearly appears to have been introduced afterwards by adding a fly-slip between the words. Since, as a fact the workman is illiterate, he would not make such a statement. Then the Inquiry Officer records that Dhaniram stated that he could not cross-examine and, therefore, he did not want to ask anything from the witness. Why should he then refuse the assistance of a co-worker? The workman is then said to have stated "now whatever has happened, was a wrong thing and he be pardoned. In future, he would never remain absent". This is followed by a statement that "he does not want to say anything further, he does not want to produce any document or file. He wants that the inquiry be ended and be treated as closed".

It is impossible to believe that any workman in his senses who wants that he should be continued in the service, would say what is recorded as falling from him. It was easier for him to say that he must be dismissed and he does not want to serve the Colliery anymore, rather than make those statements. Such statements as have been reproduced above, are nothing but glib attempts to short-circuit the inquiry by showing that the workman admitted everything and that the Inquiry was fairly conducted. This clearly takes away the valuable right of the workman to be given a fair deal while facing a Departmental Inquiry. I fail to see why he would refuse the help of an able co-worker to help him in the Departmental Inquiry when he could not himself cross-examine, when he could not read or write and appreciate what was written in the registers, nor is able to effectively establish his defence that he was prevented from coming on duty due to illness. It would be seen that his defence that he remained ill and was thereby prevented from attending the work was a good reason completely justifying his absence. The statement that he does not want to produce any evidence and that the inquiry be closed, all lend to the suspicion that the workman did not get a fair deal. It has been mentioned in the report of the Inquiry Officer that the workman had given an application that he does not want to take the help of a co-worker. This application has significantly not been produced by the Management before me alongwith other papers. I would have no hesitation in quashing the inquiry proceedings but as the matter could be decided on merits, I turn to the case. The Inquiry Officer found that the workman had

attended during the relevant period, the number of days as stated below :—

	NO. of days he was present/worked
1. July, 1980	7 days
2. Aug, 1980	3 days + 1 paid holiday
3. September, 1980	9 days
4. October, 1980	6 days + 1 paid holiday
5. November, 1980	12 days
6. December, 1980	2 days
7. January, 1981	Nil days—Not worked for a single day
8. February, 1981	Nil
9. March, 1981	13 days + 1 day Mon. Prod. + 1 PHD
52+4 days (PHD+Mond. Prd.)	

It would be seen from the above statement that the workman had applied for sick leave and other leaves prudently in every month. It cannot, therefore, be denied that he had been sick as he has stated. In the proceedings recorded by the Inquiry Officer, I find that he had gone to the hospital to verify whether the workman had been actually sick from 9-8-1980 to 21-8-1980, 10-9-1980 to 23-9-1980, 14-10-1980 to 25-10-1980 and 12-11-1980 to 26-11-1980. This was of course, done behind the back of the charge-sheeted workman. This clearly shows the biased manner in which the inquiry must have been conducted. I must also state here that the Management has submitted a typed copy of the findings of the Inquiry Officer in which some of the relevant passages are missing. This typed copy is not signed by any officer and, therefore, no responsibility can be fastened on anyone. The typed copy was meant to help me and not to mislead me by omitting from it relevant passages. The Inquiry Officer, if he wanted to go to the hospital to check up whether the workman had actually been hospitalised, he should have done so with due information to the workman. In any case, one point is clearly established that the workman had been generally sick and there is no reason why his evidence should not be accepted here. This was his defence and he has stated these facts. In his evidence he has also stated that he is an illiterate man. The two statements made before me have not been challenged in cross-examination at all. I have pointed out earlier that the Inquiry Officer was trying to present the case as though the workman was literate which is wholly false.

An attempt was made to show that the person charged-sheeted had been thrice warned earlier that he should not absent himself from work. Now this has again been tried to be proved by obtaining his signatures on the proceedings. No other evidence has been adduced either before the inquiry officer or before me to substantiate this part of the Management's assertion. I have already stated above that the workman had been wholly illiterate, at the time of the inquiry there was no one to assist him, there was not even an independent person present who could vouchsafe the correctness of the proceedings. In my considered view, when an illiterate person is concerned the burden is on the Management to prove that everything that went on was according to law and in a manner most unprejudicial to the workman.

I may also observe that the manner in which the signatures are given by the workman on the two documents the departmental inquiry (Ex. M-2) and the reply to the charge sheet (Exhibit M-1) do not inspire any confidence that he had signed them after the contents thereof had been written. The workman's contention that his signature had been obtained on blank papers when he was returning from the work, seems to be true. On Exhibit M-2, the signatures appear to have been obtained on blank papers at the bottom of the sheet. Had he signed them after the contents had been written, the signatures would not appear with such regularity on papers, at the particular place of the sheets. His signature would also be falling at different places as is the case with other signatories. In case of Exhibit M-1, they appear a little out of place, and give an impression that the contents are made to fit the space where he had signed. In any case, the Department was bound to produce other

evidence to substantiate its contention that the workman had been given warnings and warnings in the sense that he had been appraised after due inquiry about his misconduct. The best evidence certainly was the proceedings taken by the Management if they at all existed. The workman clearly stated that no such warnings had been given, that he had made an application before me that these proceedings be summoned and be got produced before the Tribunal. Despite such request, the Management did not file the proceedings. It clearly shows that the stand taken by the Management that the workman had been warned previously, is wholly fake and an after-thought.

The workman, in his application dated 26-10-1984 demanded the Management to produce the Standing Order which prescribed the relevant misconduct under which he was sought to be charged. He also demanded that all these registers where attendance was recorded, where casual, earned and sick leaves were recorded with reference to the piece-rated workers, may be produced. He wanted his service-sheet to be produced by the Management. He also wanted that the charge sheet served on the workman with reference to the charges levelled against him be produced in original. He wanted to say that such charge sheet had never been given to him earlier. In any case, it is clear that the documents required by the Management were all necessary documents and the Management had deliberately tried to suppress them which only reinforces the conclusion that had they been produced, they would have clearly gone against the inquiry proceedings held against the charge-sheeted workman. Since no authentic copy or the Standing Order has been produced before me, it is difficult to know with exact precision the nature of the charge that the Management wanted to level against the workman. From the proceedings and the copy of the charge sheet produced before me, the charge appears to be that the workman had remained habitually absent from duties between the period 1-7-1980 to March, 1981. The workman has to be exonerated of this charge as he had remained sick during the period he remained absent. The circumstances show that he had been absent due to illness. He asserted so in his examination and this was not challenged in cross-examination. He also demanded the registers to be produced which would corroborate his statement, but these registers were not produced by the Management. The Management also does not refute anywhere that he was sick. If he was sick, he was unable to attend the duties for reasons beyond his control, and it cannot be said to be a misconduct at all. This being the position, that clearly can be spelt out from the nature of the evidence adduced before me. I do not think it necessary to quash the departmental proceedings as the matter could easily be decided on merits on the evidence adduced by the Management before the Inquiry Officer.

Dhaniram is a piece rated worker and his absence cannot be said to have caused any financial loss to the Management, as would need such a serious action against him. Since the workman had to be paid according to the work done by him, there is no question of payment of back wages to him for the period the Management did not employ him. I find that the Management was not justified in terminating his services as there was good justification for the workman remaining absent.

AWARD

I accordingly render this Award by directing that the workman be taken on duty forthwith. He shall not be paid any wages for the period of his unemployment as he was a piece rated worker. I, however, direct that he be paid Rs. 250 as costs.

Dated : January 24, 1985.

JUSTICE K. K. DUBE, Presiding Officer
[No. L-22011(89)/82-D.III (B)/V]

का. आ. 701--प्रौद्योगिक विवाद अधिनियम,
1947 (1947 का 14) की धारा 17 के अनुसरण में,
केन्द्रीय सरकार, सेन्ट्रल माइन प्लानिंग एण्ड डिजाइन इंस्टी-
ट्यूट लिमिटेड, नागपुर के प्रबंधतात मे सम्बद्ध नियोजक

और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार, औद्योगिक अधिकरण, जबलपुर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को पहली फरवरी, 1985 को प्राप्त हुआ था।

S.O. 701.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Jabalpur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Central Mine Planning and Design Institute Limited, Nagpur and their workmen, which was received by the Central Government on the 1st February, 1985.

ANNEXURE

BEFORE JUSTICE SHRI K. K. DUBE (RETD.), PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JABALPUR (M.P.)

Case No. CGIT/LC(R) (50) of 1983

PARTIES :

Employers in relation to the management of Central Mines Planning and Design Institute, Nagpur (M.S.).

AND

Their workmen.

APPEARANCE :

Shri Mazher—for workmen.

Shri Nair, Advocate—for management.

INDUSTRY : Coal Mining. DISTRICT: Nagpur (M.S.)

Date of Decision : 28th January, 1985.

AWARD

The Central Government in exercise of its powers under section 10 of the Industrial Disputes Act (hereinafter referred to as the Act) vide its notification No. L-22011/35/82-D.III (B), dated 8th September, 1983 referred the following matter for adjudication :—

"Whether the management of Central Mine Planning and Design Institute Limited, Nagpur is justified in refusing work as Category-I Mazdoors to S/Shri Parma Shivnath, Bhauraao Kisan, Ramdas Laxman, Arun Govinda, Mangalsingh Negi, Khemrai Samvika and Bhima Kwaru of its camp area of Chaudrapur? If not to what relief they are entitled?"

The Central Mine Planning & Design Institute Limited (for short 'CMPDIL') is a Government of India Undertaking and a company registered under Indian Companies Act, 1956, having its registered office at Gondwana Place, Kanke Road, Ranchi and Regional offices at Asansol, Dhanbad, Ranchi and Nagpur. The Headquarters of Regional Institute IV is situated at Coal Estate, Civil Lines, Nagpur and its Exploration Camps are spread over the States of Maharashtra, M.P. and Orissa. The main work of CMPDIL is to carry on the work of exploration of coal boring and prospecting at various camps. The prospecting as is well known is merely with a view to find out the prospects of the mine. When this work is done and the assessment made, the work at the camp closes. The exploration work at the camps may be very short live or may extend for a year or so, or even more. But once the prospecting at the camp is completed, the work is bound up and work at other camp starts. For the purpose of carrying on the exploration work CMPDIL employs a regular staff who are permanent workers on its rolls. These workers may be such who move from camp to

camp but the actual prospecting who would necessitate employment of more workers which are kept temporarily as casual labourers according to the needs. These temporary workers employed are casual labourers working on daily rated payments. They are also employed on contractual basis to carry out a particular job for which they are paid a consolidated sum. It appears that the policy of the CMPDIL has been to employ as temporary workers those persons whose lands are taken by them for prospecting and other purposes and local persons. In the nature of things this appears a sound policy as when they oust persons from their lands by acquiring their lands it is reasonable to expect that such persons are employed as casual labourers in their camps as long as the camp work goes on. The seven workers, namely, Bhauraao Kisan, Bhim Karn, Arun Sadashiv, Ramdas Laxman, Parma Shivnath, Mangalsingh Negi and Khemraj Sayyanna with whose dispute we are concerned were thus employed as temporary workmen at Gauri Camp. After the camp had been wound up their services were dispensed with. They claim that they have worked for more than 240 days and therefore they were entitled to be regularised. It is further contended that since their termination amounts to retrenchment u/s 2(oo), the provisions of section 25-F of the Act would be attracted, and as the retrenchment was not done in accordance with the provisions it would be paid. The workers mainly base their claim on the fact, that they have worked for more than 240 days with the CMPDIL and therefore under section 25-B of the Act they were entitled to be regularised.

3. The management however, contends that the temporary workmen can lay no claim to the posts in the establishment after the particular camp had been abolished. They were casual workers and none of the seven persons had worked for 240 days anytime within 12 months. They were only given temporary appointments or given work on contracts, therefore, section 25-F of the Act would not be attracted. The above workmen were employed in Gauri Camp and as that Camp was wound up, the seven workers can lay no claim to be continued in other camps, because under the policy of recruitment, casual labourers in those camps were to be recruited from the persons whose lands were acquired and were local persons. Moreover on 8th April, 1982 the above persons resorted to violent means by locking office room where Md. Iqbal Ibrahim, R. K. Soni and Miss J. Kutty Philipose were working. They also resorted to gherao and threatened the officers at work. The management therefore cannot place any confidence in such persons and even if they could be employed in other camps brushing aside the recruitment rules they would be reluctant to do so because of their past antecedents.

4. The management in their written statement have tried to give the account of the number of days and the service rendered by the aforesaid seven persons. The details pleaded by them in their written statement are as under :—

(1) Shri Bhauraao Kishan.—He was engaged by the management in the year 1979 and in the year 1982 for 34 and 38 days respectively purely on a casual basis to work as helter, Chowkidar, Water-carrier etc. as and when the exigencies of work demanded.

(2) Shri Bhim Karn.—He was engaged for 14 days in the year 1979 and for 48 days in 1982 purely on casual basis as a General Mazdoor for different duties like water-carrier, watchman, survey mazdoor, etc.

(3) Shri Arun Sadashiv.—He was engaged for 65 days in 1980 and for 34 days in 1982 as a General Mazdoor purely on a casual and temporary basis.

(4) Shri Ramdas Laxman.—He was engaged in 1980 for 125 days on a purely casual basis as a General Mazdoor like Helter, Watchman, etc. He was not engaged thereafter.

(5) (6) and (7) Shri Parma Shivnath, Mangal Singh, Khemrai Savvanna.—These three individuals were never employed by the management even as a casual or temporary employees. They however did some contract work."

As far as the three persons Parma Shivnath, Mangal Singh and Khemrai Savvanna are concerned, the management contends that they were permitted to do some work on contract

and were not engaged as labourers. The workmen here have filed the appointment letters of Parma Shivnath to refute the above averments. The appointment letter dated 29th December, 1981 reads as under:—

"Subject.—Appointment letter to work in camp Guuri on purely temporary basis.

Sir,

You have been appointed as a Mazdoor for constructing hutments in CMPDIL exploration camp Babupet / Gauri for 10 days on purely temporary basis @ Rs. 8 for the period from 30th December, 1981 to 8th January, 1982.

Yours faithfully,
Officer Incharge.

5. These letters of appointment clearly refute the contention that they were working on contract basis. However, the question remains whether they have worked for 240 days anytime within 12 calendar months. And secondly, whether they have any right to be continued with the Company after the camp had been wound up. From the statement of both the parties it appears that some conciliation proceedings had been started in which the management had given some assurances to the workmen to be taken on employment in the next camp. The settlement it is contended would be binding on the management. The main part of the settlement reads as under:—

"After prolonged discussions with the ALC (Central) and with the Union Secretary, the undersigned agreed that we may engage all the 7 persons viz. S/Shri Parma Shivnath, Bhaura Kisan, Bhima Karwaru Pethe, Arun Sadashiv, Ramdas Laxman, Mangal Singh, Kishal Singh and Khemraj Sayyumna, on the job at the new site which may be coming up shortly, after protecting the interest of local persons and persons whose land may be utilised for drilling as and when work arises. Accordingly the union has withdrawn their claim."

As regards this settlement it would be seen that under the settlement the management merely promised to consider the cases of the seven workmen for being appointed in the next camp, provided it did not jeopardise the interests of the local persons and persons whose lands had been utilised for prospecting purposes. Therefore as far as this settlement is concerned it takes the workmen nowhere in enforcing their claim to be appointed by the company.

6. We are therefore left with the main point whether the workmen worked for 240 days any time within 12 months. A number of documents have been filed by the management regarding the payments made to the above workmen. They have been filed as I had required that all the record concerning their appointment and showing the number of days they had worked must be produced before me. The workmen it would be seen were not able to produce any evidence in support of their claim that they had worked for 240 days anytime within 12 months. What the workers appear to think is that if they have worked for 240 days they became entitled to be regularised regardless of the fact whether such services were also rendered anytime within 12 months. In their oral evidence they have clearly admitted that they have not kept any record of the number of days they have worked with the company. They have filed one Annexure which they had attached with the conciliation proceedings. This Annexure also does not take up anywhere in correctly finding out whether the above workmen had completed 240 days anytime within 12 months of the service they had rendered with the company. I have also tried to count a number of days from the documents filed by the management, but that exercise also does not go to establish that the workmen concerned have worked for 240 days within any 12 months. Some of the receipts are of consolidated payments made to a group of workmen. The receipts are generally in terms which it would be pertinent to reproduce:—

"RECEIPT

Received a sum of Rs. 424 from imprest holders CMPDIL Ltd. Exploration camp Babupet for assisting

for survey work with effect from 16th August, 1981 to 31st August, 1981 total mandays 53 @ Rs. 8 per day.

Dt. 31-8-1981.

Sd/s. Mangal Singh.

Work certificate by two officers."

It would be seen from the above receipt that from 16th August, 1981 to 31st August, 1981 there would only be 16 days for one workman. Therefore obviously when the payment was made for 53 mandays, it was for 4 or 5 persons. Moreover, this is indicated in red in the bottom of the document which appears to be for their own purposes. I have made some effort to decipher the working days of each workman but could not succeed in getting a tally of 240 days for any of the workman for 12 months. Therefore, I am of the opinion that the workmen have not been able to establish in this case that they have worked for 240 days within any 12 calendar months to be entitled for regularisation and for the purposes of attracting the provisions of section 25-F of the Act.

7. The other question that remains for consideration in this case is, assuming the aforesaid workmen have rendered service of 240 days within 12 months in one Camp, can they get benefit of this in their claim for either regularisation or for obtaining retrenchment benefits? My answer to such a query would be that they would not be entitled to be appointed in another camp though they may be entitled to compensation under section 25-FFF of the Act. As indicated earlier for the carrying on duties of prospecting they create an establishment for one camp. Therefore when they employ the temporary workmen and they become the employees of that establishment for the purposes of section 25-B of the Act. The workmen employed temporarily were not employed on any permanent posts for the permanent administrative setup. There were no posts which were sought to be filled as were of a permanent nature. For the prospecting purposes when they employed certain workmen such employment was with reference to the work to be undertaken in that camp. From the nature of the work, the establishment was of a very short duration after which the posts were to be abolished altogether. Therefore they could not have any claim on the posts on which they have not worked in other establishments. It would be a case analogous to the closure of an establishment and therefore if at all any claim lies, it would be under section 25-FFF of the Act. For the purposes of section 25-B the life of establishment ceased after it was closed. The employment referred to in section 25-B is with reference to employment in an establishment. The fact that the company was the same was not material. The regularisation contemplated was in the same establishment. Therefore, in this case there is no question of Section 25-F being attracted.

ORDER

In view of what I have stated above the management was justified in refusing work as Category 1 Mazdoor to Bhaura Kisan, Bhima Karwaru, Arun Sadashiv, Ramdas Laxman, Parma Shivnath, Mangal Singh Negi and Khemraj Sayyanna in its camp area of Chandpur. The workmen are not entitled to any relief. There shall be no order as to costs in the peculiar circumstances of the case.

JUSTICE K. K. DUBE, Presiding Officer

[No. L-22011(35)/82-D.III (B) JV]

का. आ. 4702--श्रीदोगिक विवाद भवित्वियम्, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, अधी वैली एरिया, सब एरिया नं. 4, बैस्ट्रन कोल फील्ड लिमिटेड के प्रबंधतान से सम्बद्ध नियोजकों श्रीदोगिक विवाद में केन्द्रीय सरकार श्रीदोगिक अधिकरण, नं. II, बम्वई के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 2 फरवरी, 1985 को प्राप्त हुआ था।

S.O. 702.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government industrial Tribunal-cum-Labour Court No. II, Bombay, as shown in the Annexure in the industrial dispute between the employers in relation to the management of Wardha Valley Area, Sub Area No. IV of Western Coalfields Limited and their workmen, which was received by the Central Government on the 2nd February, 1985.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 2, BOMBAY

PRESENT :

Shri M. A. Deshpande, Presiding Officer.

Reference No. CGIT-2/30 of 1984

PARTIES :

Employers in relation to the management of Jhamir Colliery of Western Coalfields Limited;

AND

Their workmen.

APPEARANCES :

For the Employers—Shri R. C. Shrivastava, Advocate.

For the workmen—Shri S. R. Pendre, General Secretary.

INDUSTRY : Coal Mines STATE : Maharashtra

Bombay, the 21st January, 1985

AWARD

By their order No. L-22012(19)/84-D.IH(B)/D.V. dated 25-10-1984 the following dispute has been referred for adjudication under Section 10(1)(d) of the Industrial Disputes Act on receipt of the failure of conciliation report under Section 12(5) of the said Act.

"Whether the action in awarding the punishment of dismissal from service with effect from 15th November, 1983 to Shri Deva Raja Pochem, Loader by the Sub Area Manager, Wardha Valley Area, Sub Area No. IV, M/s. Western Coalfields Limited, Post Office Ballarpur, District Chandrapur (M.S.) is justified? If not, to what relief the workman is entitled?"

2. The dispute has arisen out of the dismissal of Shri Deva Raja Pochem, Loader in the service of M/s. Western Coalfields Limited a nationalised concern of the Central Government. It seems that on 3-10-1983 a chargesheet was served on the employee on the allegation that on the said date at 9 A.M. he prohibited other loaders from going into mine and thus committed misconduct by contravening the Standing Orders Nos. 31(i)(9), 13(i)(33) and 13(i)(22) namely causing damage to work in progress or to property of the employer, disturbing other workmen on duty and going on illegal strike defined under Industrial Disputes Act or abetting inciting, instigating or acting in furtherance of such a strike. Since the charges were denied an enquiry was held during which enquiry the evidence of six witnesses was adduced on behalf of the management against which the plea of the workman was of alibi. After recording the evidence the Enquiry Officer noted the findings against the workman which findings were accepted by the competent authority who passed the order of dismissal, date 15-11-1983 against which the Union approached the Assistant Labour Commissioner (C) on whose failure report the Government has referred the matter.

1497 GI/84-10

3. The plea of the Union is that the Enquiry was not fair and proper because the Enquiry Officer never attended the enquiry and that the whole evidence was recorded behind his back. It is further pleaded that the punishment awarded is disproportionate and harsh.

4. Against this the order of dismissal is supported by the management. According to them since nationalisation there are frequent incidences of cat-call strikes etc. and to maintain discipline such order of punishment is called for. Union's right to represent the workman or espouse the case is also being challenged.

5. On these pleadings the following issues arise for determination and my findings are—

ISSUES	FINDINGS
1. Is the reference bad on the ground that Lalzenda Coal Mines Mazdoor Union has no membership in Sasti Colliery	No
2. Does the Union prove that the Enquiry Officer was absent during the course of the Enquiry?	No
3. Does the Union further prove that sub-Area Manager's order of dismissal is bad for the reasons stated in para. 11 of the Union's statement of claim?	No
4. Was the enquiry vitiated for any other reason?	No
5. Is the finding of the Enquiry Officer legal and proper?	Legal and proper.
6. Was the order of dismissal passed by the competent authority, legal and proper?	Legal—byes Proper—Not
7. Is the order of punishment harsh and disproportionate?	Yes
8. If yes is the workman entitled to any relief?	Yes, as per order.
9. Was the said order of dismissal justified? If not to what relief the workman is entitled?	No relief as per order.
10. If the enquiry is found to be vitiated or bad whether the misconduct is established before the Tribunal?	Does not arise.

REASONS

6. Although the right of the Union to espouse the cause is challenged the fact that the Union called Lalzenda Coal Mines Mazdoor Union has activity in the coal mine of the company is not disputed and assuming that they do not have any following in the Sasti Colliery where the incident is alleged to have occurred, still in the capacity of representative of Coal Miner in the service of Western Coalfields Limited, the right to espouse the case cannot be denied. Furthermore, having regard to the fact that the workman himself would have raised the dispute under Section 2A of the Industrial Disputes Act against the order of dismissal which he did not raise because the Union having intervened, that Union has no following in a particular mine, assuming the contention is true, in my view pales into insignificance and the dispute will have to be entertained and decided. The Assistant Labour Commissioner (C) who was seized of the matter was convinced about the representative capacity of the Union and therefore referred the dispute to the Government otherwise he would have refrained from doing so.

7. The allegation about the enquiry is that the Enquiry Officer was not at all present during the enquiry which allegation is far from truth, otherwise we would have noticed an immediate reaction on the part of the workman or his

representative during the enquiry itself which reaction is not at all noticed, rendering the contention wholly unbelievable. There was also an attempt to challenge the order of the competent authority but having gone through the order and the findings I find no substance and it was also not raised at the time of arguments.

8. I have also gone through the entire enquiry papers and I find that the enquiry was conducted in pursuance of the principles of natural justice and opportunity was given to the workman to represent his case and in fact he had participated during the enquiry. Merely because the findings went against him, shall not vitiate the enquiry particularly when I find that the allegations appearing in the charge-sheet are fully supported by the evidence on record. The Loaders who were examined during the enquiry and also the officers spoke of arrival of the workman at the relevant time when he was not on duty then and his persuading his colleagues not to start work till he had a talk with the Manager in respect of his suspension from duty. An attempt was made that he was not present at the place of incident and was taking treatment at a place 7 to 8 kilometers away but in the light of the evidence of the loader who had nothing against the workman, the plea of alibi must fail and it seems to be an attempt to gain advantage by the certificate issued by the concerned Medical Officer regarding the workman taking out-door treatment at the relevant time. I am, therefore convinced that the evidence as it stands did support the charges and the findings were proper and reasonable and can never be said to be perverse.

9. However, the question still is whether the workman deserved the punishment of dismissal. In this connection it is pertinent to note that the workman was working in the mine who had put in 12 years of service and barring one incident there is no reference to any other misconduct on his part. It is also not known what has happened to the incident when the workman is alleged to have abused the Manager and that whether there was any chargesheet and what was the finding. In the instant case the workman told his colleagues that he wanted to see the Manager and that the leaders should stop work till he had a talk with Manager. It was therefore an attempt to secure sympathy and to see that by virtue of the intervention of his colleagues, the Manager was made to relent. The place of work is such where the passions are likely to be roused particularly when the grievance is about suspension. If therefore in such a circumstance the workman committed the misconduct as stated, some consideration will have to be paid and no order of dismissal can be passed. Certainly, when it involves the question of discipline some steps should be taken to avoid repetition of such action. At the same time by a stroke of pen 12 years service cannot be annulled. The workman was sent home without sustenance.

10. Taking all these aspects into account I hold that the order of dismissal cannot be maintainable. However, having regard to the misconduct I further hold that though the workman should be reinstated no back wages need be paid from the date of dismissal till the date of reinstatement and the workman before joining the duty shall give an undertaking that he shall not indulge in any illegal activities or commit any misconduct and that he further shall express apology for the misconduct committed by him. On giving such an undertaking the workman shall be reinstated in service and he shall draw the same wages as he was drawing on the date when his service was served.

Award accordingly.

No order as to costs.

Dated : 23-1-85.

M. A. DESHPANDE Presiding Officer
[No. L-22011(35)/82 D.III(B)/V]
S. S. MFHTA, Desk Officer

नई दिल्ली, 30 जनवरी, 1985

कांग्रेस 703 औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, भारत कोकिंग कॉल लिंग के सुरक्षा सुधारालय, पो. जीलगोरा, जिला धनबाद, के प्रबंधताव से सम्बद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निविष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण नं. 2, धनबाद के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 25-1-1985 को प्राप्त हुआ था।

New Delhi, the 30th January, 1985

S.O. 703.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal No. 2, Dhanbad as shown in the Annexure, in the industrial dispute between the employers, in relation to the management of Security Headquarters of M/s. Bharat Coking Coal Limited, At and Post Office Jealgora, District Dhanbad, and their workmen, which was received by the Central Government on 25th January, 1985.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD

PRESENT:

Shri I. N. Sinha, Presiding Officer.

Reference No 5 of 1982

In the matter of Industrial Dispute under Section 10(1)(d) of the I.D. Act, 1947

PARTIES :

Employers in relation to the management of Security Headquarters of Messrs. Bharat Coking Coal Limited, P.O. Jealgora, Dist. Dhanbad and their workmen.

APPEARANCES :

On behalf of the employers—Shri R. S. Murthy, Advocate.

On behalf of the workmen—Shri S. Bose, Secretary, R.C.M.S., Dhanbad.

STATE: Bihar.

INDUSTRY: Coal.

Dhanbad, the 19th January, 1985

AWARD

The Government of India in the Ministry of Labour in exercise of the powers conferred on them under Section 10(1)(d) of the I.D. Act, 1947 has referred the following dispute to this Tribunal for adjudication under Order No. L-20012(312)/81-D.III(A), dated the 22nd January, 1982 :

SCHEDULE

“Whether the demand of the workmen of Security Headquarters of Messrs Bharat Coking Coal Limited At and Post Office Jealgora, District Dhanbad for restoration of the scale of pay of Shri Arun Kumar, Assistant with effect from the 1st September, 1973 together with all consequential benefits, is justified? If so, to what relief is the workman concerned entitled?”

Soon after the receipt of the Order of reference notices were duly served upon the parties. After granting a few adjournments parties filed their W.S. and rejoinder. Thereafter parties took several adjournments on the grounds for filing

settlement. But ultimately on 15-1-85 both the parties appeared before me and filed a memorandum of settlement. I have gone through the terms of settlement which appears to be fair and proper and beneficial to both the parties. Accordingly I accept the same and pass an Award in terms of the memorandum of the settlement which forms part of the Award as Appendix.

I. N. SINHA, Presiding Officer
[No. I-20012(312)/81-D.III(A)]

APPENDIX

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 2, DHANBAD

In the matter of Ref. No. 5 of 1982

PARTIES :

Employers in relation to the Management of Security Headquarters of Messrs Bharat Coking Coal Ltd.

Their Workmen.

AND

Joint Petition of Employers & Workmen for Compromis

The above mentioned Employers and the Workmen most respectfully beg to submit as follows :—

- (1) That the Employers and the Workmen have mutually discussed the matter covered by the aforesaid reference with a view to arriving at an amicable and overall settlement.
- (2) That as a result of such discussions, the Employers and Workmen have jointly come to an agreement to have this matter settled on the following terms and conditions :—
 - (a) Agreed that the workman concerned Sri Arun Kumar will be deemed to have been placed in Clerical Grade with effect from 16th January, 1973.
 - (b) Agreed that since Sri Arun Kumar had already been promoted to the post of Clerk Special Grade in the NCWA-II pay scale for Rs. 640-35-920-41-1084 w.e.f. 30th June, 1979 on the recommendations of the Departmental Promotion Committee, his pay in that pay scale will be fixed at the stage of Rs. 885 (Rupee Eight hundred and eighty five only) per month with effect from 1st December 1982 in order to compensate him for loss suffered by him taking into consideration his claim before the hon'ble Tribunal. He will earn his normal increments on the due dates and fixation of his pay in NCWA-III will be made w.e.f. 1-1-1983 as per the provisions thereof.
 - (c) Agreed further that in addition to the benefit as indicated in clause (b) above, Sri Arun Kumar will be paid by the Management a lump sum amount of Rs. 5,000 (Rupees five thousand only) in lieu of difference of arrears of wages and other benefits relating to the period from 16-1-1973 to 30th November, 1982; keeping in view his claim before the Hon'ble Tribunal.
 - (d) Agreed that this is an overall agreement in full and final settlement of all the claims of Sri Arun Kumar and the sponsoring Union arising out of the above reference.
 - (e) Agreed that the Management shall implement this agreement within three months from the date thereof.

(3) That the employers as well as the Workmen consider that the above agreement is fair, just and reasonable to both the parties.

It is, therefore, prayed that the Hon'ble Tribunal may be pleased to accept this joint petition and dispose of the above reference and give an award in terms thereof.

Sd/- Illegible
Secretary

Rashtriya Colliery Mazdoor Sangh

(Representing Workmen)

Sd/- Illegible
(ARUN KUMAR)

Workman Concerned

Dhanbad, Dated : 15-1-1985.

(B. N. PRASAD),
General Manager ((Personal)),
Bharat Coking Coal Ltd.,
(Representing Employees)
(R. S. MURTHY),
Advocate for Employers

का० आ० :—704 औद्योगिक विवाद प्रधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार ईस्टर्न कोलफील्ड लि० के निर्शा क्षेत्र के प्रबंधताल से सम्बद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, न० 2, धनबाद के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 25-1-1985 को प्राप्त हुआ था।

S.O. 704.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal No. 2, Dhanbad as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Nirsha Area of M/s. Eastern Coalfields Limited and their workmen, which was received by the Central Government on 25th January, 1985.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD.

PRESENT :

Shri I. N. Sinha, Presiding Officer,

Reference No. 85 of 1984

In the matter of Industrial Disputes under Section 10(1) (d) of the I.D. Act, 1947.

PARTIES :

Employers in relation to the management of Nirsa Area of M/s Eastern Coalfields Ltd., P.O. Mugma, Distt. Dhanbad,

AND

Their workmen

APPEARANCES :

On behalf of the employers—Shri R. S. Murthy,
Advocate.

On behalf of the workmen—Shri S. Bose, Secretary,
R.C.M.S. Union.

STATE : Bihar

INDUSTRY : Coal

Dated, Dhanbad, the 19th January, 1985.

AWARD

The Government of India in the Ministry of Labour & Rehabilitation in exercise of the powers conferred on them under Section 10(1)(d) of the I.D. Act, 1947 has referred the following dispute to this Tribunal for adjudication under Order No. L-20012(297)/84-D.III(A), dated, the 29th Nov., 1984.

SCHEDULE

"Whether the demand of Rashtriya Colliery Mazdoor Sangh that Shri Tapan Kumar Dutta, Store Keeper Grade-I of Gopinathpur Colliery in Nirsha Area of Eastern Coalfields Limited should be promoted to Special Grade with the designation of Senior Store Keeper with effect from October, 1983 is justified? If so, to what relief is this workman entitled?"

Soon after the receipt of the order of reference notices were duly served upon the parties. After filing the W.S., documents etc, by the parties the case was fixed on 10-1-85, on that day both the parties appeared and filed a memorandum of settlement. I have gone through the terms of settlement which appears to be fair and proper. Accordingly I accept the same and pass an Award in terms of the memorandum of settlement which forms part of the Award as annexure.

I. N. SINHA, Presiding Officer
[No. L-20012(297)/84-D. IIIA]

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 2 DHANBAD

In the matter of Ref. arising out of Order No. L-20012 (297)/84-D.III(A) Dated : 29th Nov., '84. of the Dep't. of Labour, Ministry of Labour & Rehabilitation Govt. of India, New Delhi.

PARTIES :

Employers in relation to the Management of Nirsha Area of M/s. Eastern Coalfields Ltd., P.O. Mugma, Dist. Dhanbad.

AND

Their Workmen

SETTLEMENT

The above mentioned workmen represented by the Rashtriya Colliery Mazdoor Sangh, Rajendra Path P.O. ; & Dist : Dhanbad, most respectfully beg to submit and state as follows :

(1) That the Department of Labour, Ministry of Labour and Rehabilitation Government of India, New Delhi have referred and following dispute to this Honourable Tribunal for adjudication under Section 10(1)(d) of Industrial Dispute Act, 1947, vide their order No. L-20012(297)/84-D. III(A), dated, 29th November, 1984.

"Whether the demand of Rashtriya Colliery Mazdoor Sangh that Sri Tapan Kumar Dutta, Storekeeper, Grade-I of Gopinathpur—Colliery in Nirsha Area of Eastern Coalfields Ltd. should be promoted to special Grade with the designation of senior Storekeeper with effect from October, 1983 is justified? If so, to what relief is this workmen entitled?"

TERMS

(1) That the matter has been settled under the following terms :

(2) That the workman concerned Sri Tapan Kumar Dutta has since been promoted to the post of Stores/Purchase Inspector in Technical and Supervisory Grade 'A' on the basis of a selection made by the Management with effect from 2nd June, 1984 and he has assumed charge of that post from that date.

(3) That in view of the position as stated the demand of the workmen stands satisfied and exist no claim whatsoever against the Management in respect of the dispute covered by the aforesaid reference order.

(4) That in testimony of statements made in para 2 and 3 above, the workmen concerned Sri Tapan Kumar Dutta has also attested this settlement.

In view of the above position, the Parties pray that the Honourable Tribunal may be pleased to dispose of the reference in terms of this settlement.

For the Management
Dated: 9-1-1985.

Witnesses :

- (1) Supriya Chander
- (2) Sd./- Illegible

For the Workmen
Tapan Kumar Dutta
(Concerned Workman)
Sd./- Illegible,
Presiding Officer.

नई दिल्ली 1 फरवरी, 1985

का. आ. 705.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, भारत कोकिंग कॉल लि० की कूरीशीह कोलियरी के प्रबंधतन से सम्बद्ध नियोजकों और उनके कर्मकारों के बीच, अनबंधों में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, मं० 3, धनबाद के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार की 29-1-1985 को प्राप्त हुआ था।

New Delhi, the 1st February, 1985

S.O. 705.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal No. 3, Dhanbad as shown in the Annexure, in the industrial dispute between the employers in relation the management of Kooidih Colliery of Messrs Bharat Coking Coal Limited, and their workmen, which was received by the Central Government on the 29th January, 1985:

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, NO. 3, DHANBAD

Reference No. 38/83

PRESENT :

Shri J. N. Singh,—Presiding Officer.

PARTIES :

Employers in relation to the management of Kooidih Colliery of M/s. Bharat Coking Coal Ltd.

AND

Their workmen

APPEARANCES :

For the Employers—Sri B. Joshi, Advocate.

For the Workman—Sri D. Mukherjee, Advocate.

INDUSTRY : Coal.

STATE : Bihar.

Dated, the 22nd January, 1985

AWARD

The Government of India in the Ministry of Labour in exercise of the powers conferred on them U/S 10(1)(d) of

the Industrial Disputes Act, 14 of 1947 has referred the dispute to this Tribunal for adjudication under Order No. L-20012(26)83-D.III.A, dated the 20th October, 1983.

SCHEDULE

"Whether the demand of Shri Narain Singh, a workman of Koordih Colliery of Messrs Bharat Coking Coal Ltd., for correction of his date of appointment to read 1-3-1954 instead of 1-8-1968 is justified? If so, to what relief is this workman entitled?"

2. The case of the workman is that he was originally appointed as Mining Sardar on 1-3-1954 at North Dharmaband Colliery by the erstwhile employer and thereafter he was transferred to Narainpur Colliery on August, 1968 wherein he has been working as such. According to him the North Dharmaband Colliery and Narainpur Colliery belonged to the same owner. Subsequently after nationalisation Narainpur Colliery was merged with Koordih Colliery and the same is now known as Koordih Colliery.

3. It is submitted that due to mistake the management of Narainpur Colliery recorded his date of appointment as 1-8-1968 instead of 1-3-1954 though the actual date of appointment of the workman was 1-3-1954. The concerned workman represented before the management for correction of the date of appointment but without any effect and subsequently an industrial dispute was raised which resulted in the present Reference. It is also submitted that during the course of conciliation proceeding the union submitted Provident Fund slips and appointment letter in respect of the demand of the concerned workman but the matter was not settled amicably. It is, therefore, prayed that the date of appointment of the concerned workman should be corrected as 1-3-1954 so that he may get advantage in gratuity etc.

4. The defence of the management is that the date of appointment of the concerned workman in Form B register and Identity card register is recorded as 1-8-1968 and the present Form B register and Identity Card was prepared on the basis of old Form B register of different collieries which were amalgamated into the Koordih Colliery. It is stated that the concerned workman put his thumb impression or L.T.I. in token of correctness of entries made in the Form B register and at this stage the date of appointment cannot be changed. The contention of the workman that he was transferred to Narainpur Colliery from North Dharmaband Colliery has been denied and it is submitted that the concerned workman is not entitled to any relief.

5. The point for consideration is as to whether the demand of the concerned workman for correction of his date of appointment to read as 1-3-1954 instead of 1-8-1968 is justified. If so to what relief is he entitled.

6. In support of his case the workman has examined himself as WW-1 and he has stated that he was originally appointed in North Dharmaband Colliery as Mining Sirdar on 1-3-1954 by appointment letter Ext. W-2 and from there he was transferred to Narainpur Colliery in 1968 and is working there as such. It is further stated by him that North Dharmaband and Narainpur Collieries belonged to the same owner and in the Form B register of North Dharmaband Colliery his date of appointment was recorded as 1-3-1954. In support of it the concerned workman has filed his appointment letter Ext. W-2 which shows that he was appointed in North Dharmaband Colliery as Mining Sirdar on 1-3-1954. He has also filed the Provident Fund slips showing his Provident Fund number and has contended that his Provident Fund number is the same. According to the management, however, prior to nationalisation an employee used to work in one establishment and on getting better prospect he used to resign from there and used to get fresh appointment in another colliery and it is just possible that after resigning from North Dharmaband Colliery the concerned workman was appointed afresh in Narainpur Colliery where the date of appointment is shown as 1968. The management has not filed the present Form B register or register of the erstwhile management to show whether prior to nationalisation his date of appointment was recorded as 1-8-1968. It is not denied that North Dharmaband Colliery was also nationalised and in that case the Form B register of North Dharmaband

Colliery must also have been in possession of the management, but the said Form B register also has not been filed. It is in evidence of MW-1 the Magazine Clerk who is the solitary witness of the management that he cannot say whether the concerned workman came to Narainpur Colliery on transfer or was freshly appointed. In the written statement it is contended by the management that the new Form B register was prepared on the basis of the old Form B register. It is not denied that the concerned workman is a taken over employee. MW-1 has stated in his cross-examination that one Giridhar Babu was the Malik of Narainpur colliery and later on he learnt that he was also the owner of North Dharmaband Colliery. The last line of his cross-examination he has stated that he cannot say if the concerned workman had come on transfer from North Dharmaband Colliery.

7. The concerned workman has filed his appointment letter which shows that he was appointed in North Dharmaband Colliery on 1-3-1954. It is in evidence that during the time of erstwhile owner generally no appointment letter was issued nor any transfer letter was issued and actions were taken on verbal orders. The Form B register of North Dharmaband was the most authentic document to show the actual date of appointment of the concerned workman. The present Form B register of Koordih Colliery has also not been filed to show whether it was a case of new appointment or a case of transfer. The register must have shown whether it was a new appointment or case of transfer from North Dharmaband Colliery as also the register of North Dharmaband Colliery of the time of erstwhile owner has not been filed.

8. Thus there is no authentic evidence on behalf of the management to show that the case of the concerned workman was that of fresh appointment. There is nothing to disbelieve the appointment letter which was issued to the workman and it is also apparent from Ext. W-1 the pay slips of the concerned workman that he has till now the same Provident Fund number which he had at the time he was working at North Dharmaband Colliery.

9. Considering these I hold that the demand of the concerned workman for correction of his date of appointment to read as 1-3-1954 instead of 1-8-1968 is justified. In the circumstances he is entitled to get benefit in gratuity and other emoluments on the basis of the date of his appointment after his retirement.

10. The award is passed accordingly.

J. N. SINGH, Presiding Officer.

[No. L-20012(26)83-D.III(A)]

A. V. S. SARMA, Desk Officer.

नई दिल्ली, 31 जनवरी, 1985.

आदेश

का० आ० 706--भारत सरकार के नस्कालीन श्रम और रोजगार मंत्रालय की अधिसूचना मंस्त्रा का०आ० 1571 दिनांक 31 मई, 1983 द्वारा गठित श्रम न्यायालय, भुवनेश्वर के पीठासीन अधिकारी का पद रिक्त हआ है।

प्रतः अब औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 8 के उपवन्धों के अनुसार में, केन्द्रीय सरकार श्री एच० मोहपत्रा को पूर्वोक्त गठित श्रम न्यायालय के पीठासीन अधिकारी के स्थ मे नियुक्त करती है।

[सं०एस-11020/11/80-डी-1(ग)]

एस०एच०एस०श्रमयर, अवर सचिव

New Delhi, the 31st January, 1985

ORDER

S.O. 706.—Whereas a vacancy has occurred in the Office of the Presiding Officer of the Labour Court with Headquarters at Bhubaneshwar constituted by the notification of the Government of India in the then Ministry of Labour and Employment No. S.O. 1571 dated the 31st May, 1963;

Now, therefore, in pursuance of the provisions of section 8 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby appoints Shri H. Mohapatra as the Presiding Officer of the Labour Court constituted as aforesaid.

[No. S-11020/11/80-D. I(A)]

S. H. S. IYER, Under Secy.

नई दिल्ली, 5 फरवरी, 1985

का. आ. 707.—केन्द्रीय सरकार ने यह समाधान हो जाने पर कि लोकहित में ऐसा करना आपेक्षित था औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 2 के खण्ड (ळ) के उपखण्ड (vi) के उपबन्धों के अनुसरण में भारत सरकार के धर्म मंत्रालय की अधिसूचना संख्या का. आ. 2812 दिनांक 4 अगस्त, 1984 द्वारा फासफोराइट खनन उद्योग को उक्त अधिनियम के प्रयोजनों के लिए 23 अगस्त, 1984 से छ. मास की कालावधि के लिए लोक उपयोगी सेवा घोषित किया था।

और केन्द्रीय सरकार की राय है कि लोकहित में उक्त कालावधि को छ. मास की और हन्त्रिय के लिए बढ़ाया जाना आपेक्षित है:

अतः, अब, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 2 खण्ड (ळ) के उपखण्ड (vi) के परन्तुक द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार उक्त उद्योग को उक्त अधिनियम के प्रयोजनों के लिए 23 फरवरी, 1984 से छ. मास की और कालावधि के लिए लांच उपयोगी सेवा घोषित करते हैं।

[का. संख्या एस.-11017/2/80-डी-1 (ए)]

New Delhi, the 5th February, 1985

S.O. 707.—Whereas the Central Government having been satisfied that the public interest so required had, in pursuance of the provision of sub-clause (vi) of clause (n) of section 2 of the Industrial Disputes Act, 1947 (14 of 1947), declared by the notification of the Government of India in the Ministry of Labour S.O. No. 2812 dated the 4th August, 1984 the Phosphate Mining Industry to be public utility service for the purposes of the said Act, for a period of six months, from the 23rd August, 1984;

And whereas, the Central Government is of opinion that public interest requires the extension of the period by a further period of six months;

Now, therefore, in exercise of the powers conferred by the proviso to sub-clause (vi) of clause (n) of section 2 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby declares the said industry to be a public utility service for the purpose of the said Act, for a further period of six months from the 23rd February, 1985.

[No. S-11017/2/80-D.I (A)]

का. आ. 708.—केन्द्रीय सरकार ने यह समाधान हो जाने पर कि लागू होते में ऐसा करना आपेक्षित था औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 2 के खण्ड (ळ) के उपखण्ड (vi) के उपबन्ध के अनुसरण में भरत सरकार के धर्म और पुनर्विभाजन लय धर्म विभग की अधिसूचना संख्या का. आ. 2920 दिनांक 22 अगस्त, 1984 द्वारा इंडिया गवर्नरमेंट मिल्ट बम्बई को उक्त अधिनियम के प्रयोजनों के लिए 24 अगस्त, 1984 से छ. मास को कालावधि के लिए लांच उपयोगी सेवा घोषित किया था।

और केन्द्रीय सरकार को राय है कि लोकहित में उक्त कालावधि को छ. मास की और कालावधि के लिए बढ़ाया जाना आपेक्षित है;

अतः, अब औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 2 के खण्ड (ळ) के उपखण्ड (vi) के परन्तुक द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार उक्त उद्योग को उक्त अधिनियम के प्रयोजनों के लिए 24 फरवरी, 1985 से छ. मास की और कालावधि के लिए लांच उपयोगी सेवा घोषित करती है।

[का. संख्या एस.-11017/15/81-डी-1 (ए)]

श. ह. सु. अध्यर, अवर सचिव

S.O. 708.—Whereas the Central Government having been satisfied that the public interest so required had, in pursuance of the provision of sub-clause (vi) of clause (n) of section 2 of the Industrial Disputes Act, 1947 (14 of 1947), declared by the notification of the Government of India in the Ministry of Labour S.O. No. 2920 dated the 22nd August, 1984 the India Government Mint, Bombay to be a public utility service for the purposes of the said Act, for a period of six months, from the 24th August, 1984;

And whereas, the Central Government is of opinion that public interest requires the extension of the said period by a further period of six months;

Now, therefore, in exercise of the powers conferred by the proviso to sub-clause (vi) of clause (n) of section 2 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby declares the said industry to be a public utility service for the purpose of the said Act, for a further period of six months from the 24th February, 1985.

[No. S-11017/15/81-D.I (A)]

S. H. S. IYER, Under Secy.

नई दिल्ली, 1 फरवरी, 1985

का. आ. 709.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, देहली मिल्क योजना के प्रबंधतंत्र से सम्बद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, नई दिल्ली के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 24-1-85 को प्राप्त हुआ था।

New Delhi, the 1st February, 1985

S.O. 709.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government

publishes the following award of the Central Government Industrial Tribunal, New Delhi, as shown in the Annexure in the industrial dispute between the employers in relation to the management of Delhi Milk Scheme and their workmen, which was received by the Central Government on the 23rd January, 1985.

BEFORE SHRI O. P. SINGLA, PRESIDING OFFICER,
CENTRAL GOVT. INDUSTRIAL TRIBUNAL,
NEW DELHI

I. D. No. 67/84

In the matter of dispute between :

Workmen through the General Secretary, Delhi Milk Scheme Employees Union, H.O. West Patel Nagar, New Delhi-110008.

Versus

The General Manager, Delhi Milk Scheme, West Patel Nagar, New Delhi.

APPEARANCES :

Shri Ram Kishan UDC with Shri Narinder Chaudhary Advocate—for the Management.

None—for the workman.

AWARD

The Central Government, Ministry of Labour on 5-9-1984 vide Order No. L-42011(5)/84-D.II(B) made reference of the following dispute to this Tribunal for adjudication :—

"Whether the action of the management of Delhi Milk Scheme in discontinuing the payment of Night Duty Allowance to 15 categories of the employees mentioned in the Annexure, w.e.f. 1-3-83 is justified, if not, to what relief are the concerned workmen entitled?"

ANNEXURE

1. A.M.D.O. (DOCKET)
2. Asstt. Security Officer
3. Sr. Welder
4. Turner
5. Vulcaniser
6. Sanitary Inspector
7. Compounder
8. Head Washerman
9. Washerman
10. Dresser
11. Watchmen
12. Head Watchman
13. Security Supervisor
14. Store Clerk
15. Sweepers

2. Notification were issued to the parties but none appeared for the workmen and the workmen have been proceeded against ex parte.

3. The Payment of night duty allowance to various categories of Staff was objected to by Pay & Accounts Office and R.A.O. and then the D.M.S. took up the matter with the Ministry of Agriculture/Ministry of Home Affairs. The decision was taken to grant night duty allowance only to four categories of staff namely Senior Analyst, Rec'tt. Asstt. J.P.O. and staff car Drivers in addition to 17 categories which had been getting this allowance but this was not agreed to in respect of the workman covered by the reference.

4. The decision taken by the Management, therefore, does not appear to be otherwise than fair and justified and the workmen have failed to show how the decision of the Government conveyed to the D.M.S. is not justified and, therefore, the workman are not entitled to any relief.

Further it is ordered that the requisite number of copies of this Award may be forwarded to the Central Govt. for necessary action at their end.

O. P. SINGLA, Presiding Officer
(No. I-42011(5)/84-D.II(B))

January, 18, 1985.

HARI SINGH, Desk Officer

नई दिल्ली, 2 फरवरी, 1985

का. आ. 710.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मैसेस पाठीनीर क्रिंग कम्पनी, जिला फरीदाबाद (हरियाणा) जो कटन स्टोन कवारी के पट्टेदार हैं, के प्रबंधतांत्र से सम्बद्ध नियोजक और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद के केन्द्रीय सरकार औद्योगिक अधिकरण चंडीगढ़ के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 29 जनवरी, 1985 को प्राप्त हुआ था।

New Delhi, the 2nd February, 1985

S.O. 710.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Chandigarh as shown in the Annexure, in the industrial dispute between the employers in relation to the management of M/s. Pioneer Crushing Company, Lease holder of Katan Stone Quarry, Faridabad District (Haryana) and their workmen, which was received by the Central Government on the 29th January, 1985.

BEFORE SHRI J. P. VASISHTH, PRESIDING OFFICER,
CENTRAL GOVERNMENT, INDUSTRIAL TRIBUNAL,
CHANDIGARH

Case No. I.D. 24/84

PARTIES :

Employers in relation to the Management of Katan Stone Quarry in Faridabad District (Haryana) of M/s. Pioneer Crushing Co.

AND

Their Workmen.

APPEARANCES :

For the Workmen—Shri Adarsh Kishore.
For the Employers—Nemo.

INDUSTRY : Mining

STATE : Haryana

AWARD

Dated, the 22nd of January, 1985

The Central Government of Ministry of Labour, in exercise of the powers conferred on them under Section 10(1)(d) of the Industrial Disputes Act, 1947, hereinafter referred to as the Act, per their Order No. L-29011/27/83-D.III (B)/D.III.A dated 15th of June, 1984 referred the following Industrial dispute to this Tribunal for adjudication :—

"Whether the demand of the workmen of Katan Stone Quarry in Faridabad District (Haryana) of Messrs Pioneer Crushing Company, Lease holder, for increasing the present rate of Rs. 71 per 150 C. ft,

of stone filling per truck to Rs. 100 per truck load is justified ? If so, to what relief are the workmen concerned entitled and from what date ?"

2. The petitioner-Union represents the employees of M/s. Pioneer Crushing Co. Faridabad i.e. the leasee of Katan Stone Quarry in Faridabad district in Haryana. As a part of their functional obligation they are required to break stones of various types and quality @ Rs. 71 per 150 C. ft. It was felt that the payment was short of their labour and entitlement. Since the Management was making huge profits and the job itself was quite strenuous, therefore, they raised a demand for enhancement of rates and as the employer was found unresponsive despite the intervention of the Conciliation machinery, hence the reference.

3. In their claim-statement, the petitioners complained that the Management was making the following unwarranted deductions from every slab of Rs. 71 earned by them while working for a truck load of 150 C. ft.

1. 2 1/2 feet hole @ Rs. 2.50 per foot.	Rs. 6.25
2. 1/4 Kg. explosive	Rs. 1.25
3. 1 detonator	Rs. 1.00
4. Batti	Rs. 0.50
5. Cost of removal of soil	Rs. 15.00
6. Dewatering charges :	Rs. 3.00
7. Thekadar/Jamadar Commission.	Rs. 5.00
Total :	Rs. 32.00

4. The petitioners pleaded that the Management was earning about Rs. 500 per C. ft. on exploiting their misery and so much so that even the basic amenities like Medical aid etc. were not being provided to them. They, therefore, demanded an amount of Rs. 100 per 150 C. ft. i.e one truck load broken stones without any deduction.

5. The Management adopted an evasive attitude towards the proceedings. For quite some time they did not join the proceedings on one or the other, pretext. However on 26th December, 1984 when was holding Camp Court at Delhi, they appeared through one of their partner Shri A. K. Sharma and submitted that their lease had since expired and as such they were no longer in the business. All the same they denied the charge of under payment to their labour and pleaded that according to the practice, the labour used to work in Quarries on contract basis @ Rs. 48 per truck load. It was contended that no labour had ever complained about the wages which were rather the highest in the country and added that the matter was already subjudice before the Supreme Court and thus they were not in a position to put up a worthwhile contest.

6. Significantly enough thereafter the management disassociated themselves from the proceedings without any explanation. Be that as it may, in support of their case the petitioners filed the affidavit of one of the petitioner viz. Shri Jai Chand son of Shri Shish Ram which appears to be in the tune with their claim-statement.

7. On a careful scrutiny of the entire available data and hearing the petitioner-Union I find sufficient force in their contention that the Management have no legal or more justification to effect any deductions from the prevalent rate of Rs. 71 per truck load i.e. 150 C. ft. of broken stones, because a bare perusal of the impugned details thereof would show that such type of expenses are normally borne by an Employer after all it is his responsibility to provide the basic facilities and material for the breaking and removal of stones from the Quarry.

8. All the same, the petitioners' demand for encashment in the rate of Rs. 71 to Rs. 100 per 150 C. ft. is not sustainable because even in the affidavit of Jain Chand there is nothing to reveal that the present rate was fixed on a lower side or as to how the Management was exploiting the fruits of their labour due to under payment.

9. In so far as the Management's contention, that because of the pending dispute before the Hon'ble Supreme Court the present proceedings were superfluous is concerned suffice to say that it is devoid of force because there is no support-

ing material to assume the pendency of the dispute before the Hon'ble Judges and it goes without saying that no stay order was projected. Similarly barring a wild assertion of having wound up their business, there is nothing on record to draw any such inference. So much so that they even did not tender any formal affidavit of any of their Official or partner etc. It is besides the point that the closure of the business by them at a latter stage would not absolve them of their liabilities incurred till then.

10. Thus to conclude with my discussion, I partly sustain the cause of the petitioner/Workmen and return my Award with a direction to the Management to forthwith stop the illegal practice of effecting the aforesaid deductions from prevalent rate of Rs. 71 per truck load (150 C. ft.) and also to refund the deductions made so far.

Chandigarh.

Dated : 22-1-1985.

I. P. VASISHTH, Presiding Officer
[No. L-29011/27/83-D.III (B)/D.III (A)]

का. आ. 711.—ओद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, मैसेस जी.एस. सी. एण्ड कम्पनी जिला फरीदाबाद (हरियाणा) जो मेवला महाराजपुर स्टोन क्षारी के पटेशार है, के प्रबंधतंत्र में सम्बद्ध नियोजकों और उनके कम्कारों के बीच अनुबंध में निर्दिष्ट ओद्योगिक विवाद में केन्द्रीय सरकार ओद्योगिक अधिकरण, चंडीगढ़ के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 29 जनवरी, 1985 को प्राप्त हुआ था।

S.O. 711.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Chandigarh as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Messrs G.S.C. and Company, lease holder of Mewla Maharaipur Stone Quarry, Faridabad District (Haryana) and their workmen, which was received by the Central Government on the 29th January, 1985.

BEFORE SHRI I. P. VASISHTH, PRESIDING OFFICER,
CENTRAL GOVERNMENT, INDUSTRIAL TRIBUNAL,
CHANDIGARH

Case No. I.D. 25/84

PARTIES :

Employers in relation to the Management of M/s. G.S.C. and Company 146-Sector 16-A, Faridabad (Haryana).

AND

Their Workmen.

APPEARANCES :

For the Workmen—Shri Adarsh Kishore.

For the Employers—Nemo.

INDUSTRY : Mining

STATE : Haryana

AWARD

Dated, the 22nd of January, 1985

The Central Government of Ministry of Labour, in exercise of the powers conferred on them under Section 10(1)(g) of the Industrial Disputes Act, 1947, hereinafter referred to as the Act, per their Order No. L-29012/39/83-D.III. B/D. III.A dated the 15th June, 1984 read with No. L-29012/39/83-D.III.B dated the 6th December, 1984 referred the following Industrial dispute to this Tribunal for adjudication :—

"Whether the demand of the workmen of Mewla Maharaipur Stone Quarry in Faridabad District (Haryana) of Messers G.S.C. and Company, Lease holder

for increasing the present rate of Rs. 71 per 150 C. ft. of stone filling per truck to Rs. 100 per truck load is justified ? If so, to what relief are the workmen concerned entitled and from what date?"

2. The petitioner-Union represents the employees of M/s. G.S.C. and Company Faridabad i.e. the lessee of Mevla Mahajipur Stone Quarry in Faridabad district in Haryana. As a part of their functional obligation they are required to break stones of various types and quality @ Rs. 71 per 150 C. ft. It was felt that the payment was short of their labour and entitlement. Since the Management was making huge profits and the job itself was quite strenuous, therefore, they raised a demand for enhancement of 'rates' and as the employer was found unresponsive despite the intervention of the Conciliation machinery, hence the Reference.

3. In their claim-statement, the petitioners complained that the Management was making the following unwarranted deductions from every slab of Rs. 71 earned by them while working for a truck load of 150 C. ft.

1. 2 1/2 feet hole @ Rs. 2.50 per foot.	Rs. 6.25
2. 1/4 Kg. explosive	Rs. 1.25
3. 1 detonator	Rs. 1.00
4. Batt	Rs. 0.50
5. Cost of removal of soil	Rs. 15.00
6. Dewatering charges	Rs. 3.00
7. Thekadar/Jamadar Commission	Rs. 5.00
Total	Rs. 32.00

4. The petitioners pleaded that the Management was earning about Rs. 500 per C. ft. on exploiting their misery and so much so that even the basic amenities like Medical aid etc. were not being provided to them. They, therefore, demanded an amount of Rs. 100 per 150 C. ft. i.e. one truck load broken stones without any deduction.

5. The Management adopted an evasive attitude towards the proceedings. For quite some time they did not join the proceedings on one of the other pretext. However on 26-12-1984 when I was holding Camp Court at Delhi, they appeared through one of their partner Shri A. K. Sharma and also filed a 'Return' indicating that their lease has since expired and as such they were no longer in the business. All the same they denied the charge of under payment to their labour and pleaded that according to the practice, the labour used to work in Quarries on contract basis @ Rs. 48 per truck load. It was contended that no labour had ever complained about the wages which were rather the highest in the country. They closed their written statement with the averment that the matter was already sub-judice before the Supreme Court and thus they were not in a position to put up a worthwhile contest.

6. Significantly enough thereafter the management disassociated themselves from the proceedings without any explanation. Be that as it may, in support of their case the petitioners filed the affidavit of one of the petitioner viz. Shri Shyam Lal son of Shri Roshan Lal which appears to be in the tune with their claim-statement.

7. On a careful scrutiny of the entire available data and hearing the petitioner-Union I find sufficient force in their contention that the Management have no legal or moral justification to effect any deductions from the prevalent rate of Rs. 71 per truck load i.e. 150 C. ft. of broken stones, because a bare perusal of the impugned details thereof would show that such type of expenses are normally borne by an Employer; after all it is his responsibility to provide the basic facilities and material for the breaking and removal of stones from the quarry.

8. All the same, the petitioners' demand for encashment in the rate of Rs. 71 to Rs. 100 per 150 C. ft. is not sustainable because even in the affidavit of Shyam Lal, there is nothing to reveal that the present rate was fixed on a lower side or as to how the Management was exploiting the fruits of their labour due to under payment.

9. In so far as the Management's contention, that because of the pending dispute before the Hon'ble Supreme Court the present proceedings are superfluous is concerned suffice to say that is devoid of force because there is no supporting material to assume the pendency of the dispute before the Hon'ble Judges and it goes without saying that no stay order was projected. Similarly barring a wild assertion in the Respt's 'Return' of having wound up their business, there is nothing on record to draw any such inference. So much so that they even did not tender any formal affidavit of any of their Official or partner etc. It is besides the point that the closure of the business by them at a latter stage would not absolve them of their liabilities incurred till then.

10. Thus to conclude with my discussion, I partly sustain the cause of the petitioner/Workmen and return my Award with the direction to the Management to forthwith stop the illegal practice of effecting the aforesaid deductions from prevalent rate of Rs. 71 per truck load (150 C. ft.) and also to refund the deductions made so far.

Chandigarh,
Dated : 22-1-1985.

I. P. VASISHTH, Presiding Officer.
[No. L-29012/39/83-D.III (A)/D.III (B)]
NAND LAL, Under Secy.

नई दिल्ली, 5 फरवरी, 1985

का.आ० 712 :—मध्य प्रदेश राज्य सरकार ने कमंचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की घारा 4 के खण्ड (ष) के अनुसरण में श्री एल. के. मत्होदा के स्थान पर श्री गणेश कुमार, सचिव मध्य प्रदेश श्रम विभाग, भोपाल को कमंचारी राज्य बीमा तितम में उस राज्य का प्रतिनिधित्व करने के लिए नाम निर्धारित किया है;

अतः इब केन्द्रीय सरकार, कमंचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की घारा 4 के अनुसरण में, भारत सरकार के श्रम मंत्रालय की अधिसूचना संख्या का आ. 850 (अ) दिनांक 21 अक्टूबर, 1980 में निम्नलिखित संशोधन करती है, अथवा :—

उक्त अधिसूचना में, "(राज्य सरकारों द्वारा घारा 4 के खण्ड (अ) के अधीन नाम निर्धारित)" शीर्षक के नीचे मध्य 17 के सामने की प्रविष्टि के स्थान पर निम्नलिखित प्रविष्टि रखी जाएगी, अथवा :—

श्री गणेश कुमार,
सचिव, मध्य प्रदेश सरकार,
श्रम विभाग, भोपाल।

[संख्या यू. 16012/18/82 एच० आई०]
New Delhi, the 5th February, 1985

S.O. 712.—Whereas the State Government of Madhya Pradesh has, in pursuance of clause (d) of section 4 of the Employees' State Insurance Act, 1948 (34 of 1948) nominated Shri Arun Kumar, Secretary to the Government of Madhya Pradesh Labour Department to represent that State on the Employees' State Insurance Corporation, in place of Shri L. K. Malhotra ;

Now, therefore, in pursuance of section 4 of the Employees' State Insurance Act, 1948 (34 of 1948), the Central Government hereby makes the following amendment in the notification of the Government of India in the Ministry of Labour No. 850(E), dated the 21st October, 1980, namely :—

In the said notification, under the heading "(Nominated by the State Government under clause (d) of section 4)"

for the entry against Serial Number 17, the following entry shall be substituted, namely :—

"Shri Arun Kumar,
Secretary to the Government of Madhya Pradesh,
Labour Department,
Bhopal."

[No. U-16012/18/82-H.I.]

का.आ. 713.—केन्द्रीय सरकार, कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा 91 के साथ पठित धारा 88 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए और भारत सरकार के अप मन्त्रलय की अधिसूचना सं. का. आ. तारीख 17 फरवरी, 1984 के क्रम में, इससे उपायद अनुसूची में विनियिष्ट स्थापनों के जो भारत सरकार के उद्दोग मन्त्रलय के हैं, नियमित कर्मचारियों को उक्त अधिनियम के प्रवर्तन से 1 अक्टूबर, 1984 से 30 सितम्बर, 1985 तक की, जिसमें यह तारीख सम्मिलित है और अवधि के लिए छूट देती है।

2. उक्त छूट निम्नलिखित शर्तों के अधीन है, अर्थात्

- (1) पूर्वोक्त कारखाना, जिसमें कर्मचारी नियोजित हैं, एक रजिस्टर रखेगा जिसमें छूट प्राप्त कर्मचारियों के नाम और पदानिधान वर्णित किए जाएंगे;
- (2) इस छूट के होते हुए भी, कर्मचारी उक्त अधिनियम के अधीन ऐसी प्रशुविधाएं प्राप्त करते रहेंगे, जिनको पाने के लिए वे इस अधिसूचना द्वारा दी गई छूट के प्रवृत्त होने की तारीख से पूर्व संदर्भ अभिधायों के आधार पर हकदार हों जाते;
- (3) छूट-प्राप्त अवधि के लिए यदि कोई अविद्यम पहले ही संदर्भ किए जा चुके हैं तो वे वापस नहीं किए जाएंगे;
- (4) उक्त कारखाने का नियोजक उस अवधि की बाबत जिसके दौरान उस कारखाने पर उक्त अधिनियम प्रवृत्त था। (जिसे इसमें इसके पश्चात् उक्त अवधि कहा गया है) ऐसी विवरणियाँ ऐसे प्रकृत में और ऐसी विशिष्टियों सहित देगा जो कर्मचारी राज्य बीमा (साधारण) विनियम 1950 के अधीन उसे उक्त अवधि की बाबत देनी थीं;

(5) निगम द्वारा उक्त अधिनियम की धारा 45 की उपधारा (1) के अधीन नियुक्ति किया गया कोई निरीक्षक या इस निमित्त प्राधिकृत निगम का कोई अन्य पदधारी, —

(i) धारा 44 की उपधारा (1) के अधीन, उक्त अवधि की बाबत दी गई किसी विवरणी

की विशिष्टियों को सत्यापित करने के प्रयोजनों के लिए या

- (ii) यह अविनिश्चित करने के प्रयोजनों के लिए कि कर्मचारी राज्य बीमा (साधारण) विनियम, 1950 द्वारा यथा अपेक्षित रजिस्टर और अविलेख उक्त अवधि के लिए रखे गए थे या नहीं या
- (iii) यह अविनिश्चित करने के प्रयोजनों के लिए कि कर्मचारी, नियोजक द्वारा दी गई उन प्रसुविधाओं को, जो ऐसी प्रशुविधाएं हैं जिनके प्रतिफल स्वरूप इस अधिसूचना के अधीन छूट दी जा रही है, नकद और बस्तुरूप में पाने का हकदार बना हुआ है या नहीं; या
- (iv) यह अविनिश्चित करने के प्रयोजनों के लिए कि उस अवधि के दौरान, जब उक्त कारखाने के संबंध में अधिनियम के उपर्योग प्रवृत्ति थे, ऐसे किन्हीं उपर्योगों का अनुपालन किया गया था या नहीं, निम्नलिखित कार्य करने के लिए सशक्त होगा:—
- (क) प्रधान नियोजक या अव्यवहित नियोजक से यह अपेक्षित करना कि वह उसे ऐसी जानकारी दे जो वह आवश्यक समझे; या
- (ख) ऐसे प्रधान नियोजक या अव्यवहित नियोजक के अधिभोग में के कारखाने, स्थापन, कार्यालय या अन्य परिसर में किसी भी उचित समय पर प्रवेश करना और उसके भारसाधक व्यक्ति से यह अपेक्षा करना कि वह व्यक्तियों के नियोजन और मजदूरी के संदाय से संबंधित ऐसे लेखे, बहियाँ और अन्य दस्तावेजें, ऐसे निरीक्षक या अन्य पदधारी के समक्ष प्रस्तुत करें और उनको परीक्षा करने दे या वह उसे ऐसी जानकारी दे जो वह आवश्यक समझे, या
- (ग) प्रधान नियोजक या अव्यवहित नियोजक की, उसके अभिभूता या सेवक की या ऐसी किसी व्यक्ति की जो ऐसे कारखाने, स्थापन, कार्यालय या अन्य परिसर में पाया जाए, या ऐसे किसी व्यक्ति की जिसके बारे में उक्त निरीक्षक या अन्य पदधारी के पास यह विश्वास करने का युक्तियुक्त कारण है कि वह कर्मचारी है, परीक्षा करना, या
- (घ) ऐसे कारखाने, स्थापन, कार्यालय या अन्य परिसर में रखे गए किसी रजिस्टर लेखानहीं या अन्य दस्तावेज की, नकल करना या उससे उद्धरण लेना।

अनुसूची	
क्रम संख्या	कारबाने का नाम
1.	लघु उद्योग सेवा संस्थान कर्मशाला, जयपुर।
2.	लघु उद्योग सेवा संस्थान, विस्तार केन्द्र, जोधपुर।
3.	लघु उद्योग सेवा संस्थान, विस्तार केन्द्र, विजयवाड़ा।
4.	लघु उद्योग सेवा संस्थान से संलग्न मशीन, बुकान और औजार कक्ष, कलकत्ता।
5.	लघु उद्योग सेवा संस्थान, विस्तार केन्द्र, कोयम्बटूर।
6.	लघु उद्योग सेवा संस्थान, विस्तार केन्द्र, मधुरे।
7.	लघु उद्योग सेवा संस्थान, घमडा परिष्करण केन्द्र, ईरोड़।
8.	केन्द्रीय कर्मशाला लघु उद्योग सेवा युनिट गिर्डी, मद्रास।
9.	लघु उद्योग सेवा संस्थान, विस्तार केन्द्र, सनस नगर, हैदराबाद।

[सं. एस. 38014(44)/84-एच० आई०]

ए.के. भट्टराई, अवर सचिव

स्पष्टीकरण जापन

इस मामले में छूट को भूतलक्षी प्रभाव देना आवश्यक हो गया क्योंकि छूट के आवेदन संबंधी प्रक्रिया में समय लग गया था। किन्तु यह प्रमाणित किया जाता है कि छूट की भूतलक्षी प्रभाव देने से किसी भी व्यक्ति के हित पर प्रतिकूल प्रभाव नहीं पड़ेगा।

S.O. 713.—In exercise of the powers conferred by section 88 read with section 91A of the Employees' State Insurance Act, 1948 (34 of 1948) and in continuation of the notification of the Government of India in the Ministry of Labour No. S.O. 693 dated the 17th February, 1984, the Central Government hereby exempts the regular employees of the establishments specified in the Schedule annexed hereto, belonging to the Government of India in the Ministry of Industry, from the operation of the said Act for a further period from the 1st October, 1984 upto and inclusive of the 30th September, 1985.

The above exemption is subject to the following conditions, namely:—

- (1) The aforesaid factory wherein the employees are employed shall maintain a register showing the names and designations of the exempted employees;
- (2) Notwithstanding this exemption, the employees shall continue to receive such benefits under the said Act to which they might have become entitled to on the basis of the contributions paid prior to the date from which exemption granted by this notification operates;
- (3) The contributions for the exempted period, if already paid, shall not be refunded;
- (4) The employer of the said factory shall submit in respect of the period during which that factory was subject to the operation of the said Act (hereinafter referred to as the said period), such returns in such form and containing such particulars as were due from it in respect of the said period under the Employees' State Insurance (General) Regulations, 1950;
- (5) Any Inspector appointed by the Corporation under sub-section (1) of section 45 of the said Act, or other official of the Corporation authorised in this behalf shall, for the purpose of—

- (i) verifying the particulars contained in any return submitted under sub-section (1) of section 44 for the said period; or
- (ii) ascertaining whether registers and records were maintained as required by the Employees' State Insurance (General) Regulations, 1950 for the said period; or
- (iii) ascertaining whether the employees continue to be entitled to benefits provided by the employer in cash and kind being benefits in consideration of which exemption is being granted under this notification; or
- (iv) ascertaining whether any of the provisions of the Act had been complied with during the period when such provisions were in force in relation to the said factory.

be empowered to—

- (a) require the principal or immediate employer to furnish to him such information as he may consider necessary; or
- (b) enter any factory, establishment, office or other premises occupied by such principal or immediate employer at any reasonable time and require any person found in charge thereof to produce to such Inspector or other official and allow him to examine such accounts books and other documents relating to the employment of persons and payment of wages or to furnish to him such information as he may consider necessary; or
- (c) examine the principal or immediate employer his agent or servant, or any person found in such factory, establishment, office or other premises or any person whom the said Inspector or other official has reasonable cause to believe to have been an employee; or
- (d) make copies of or take extracts from any register, account book or other document maintained in such factory, establishment, office or other premises.

SCHEDULE

S. No.	Name of the factory
1.	Small Industries Service Institute Workshop, Jaipur,
2.	Small Industries Service Institute, Extension Centre, Jodhpur.
3.	Small Industries Service Institute, Extension Centre, Vijayawada.
4.	Machine Shop-cum-Tool Room attached to Small Industries Service Institute, Calcutta.
5.	Small Industries Service Institute, Extension Centre, Coimbatore.
6.	Small Industries Service Institute, Extension Centre, Madurai.
7.	Small Industries Service Institute, Leather Finishing Centre, Erode.
8.	Central Workshop Small Industries Service Unit, Guindy, Madras.
9.	Small Industries Service Institute, Extension Centre, Sanat Nagar, Hyderabad.

[No. S-38014/44/84-HI]

A. K. BHATTARAI, Under Secy.

EXPLANATORY MEMORANDUM

It has become necessary to give retrospective effect to the exemption in this case as the processing of the application for exemption took time. However, it is certified that the grant of exemptions with retrospective effect will not affect the interest of anybody adversely.

केन्द्रीय प्रस्तुति कर बांड़

नई दिल्ली, 31 फ़िसल्डर, 1984

आयकर

का. आ. 714.—आयकर अधिनियम, 1961

(1961 का 43) की धारा 121-क की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए और पहले जारी की गई अधिसूचना में आंशिक संशोधन करते हुए, केन्द्रीय प्रस्तुति कर बांड़ एवं द्वारा निदेश देता है कि नीचे दी गई अनुसूची के स्तम्भ (1) में विनिर्दिष्ट अधिकार-क्षेत्रों के आयकर आयुक्त (अपील), अनुसूची के स्तम्भ (2) की तत्संबंधी प्रविलियों में विनिर्दिष्ट आयकर बांड़, परिमण्डलों, जिलों और रेंजों में आयकर अवधारणा अतिकर या ब्याज कर से निर्धारित ऐसे व्यक्तियों के बारे में, जो आयकर अधिनियम, 1961 की धारा 246 की उपधारा (2) के खण्ड (क) से (ज), कम्पनी (लाभ) अतिकर अधिनियम, 1964 (1964 का 7) की धारा 11 की उपधारा (1) तथा ब्याज कर अधिनियम, 1974 (1974 का 45) की धारा 15 की उपधारा (1) में उल्लिखित किसी भी आदेश से व्यक्ति हुए हैं, और ऐसे व्यक्तियों या व्यक्तियों की घोषणों की बाबत भी, जिनके लिए बांड़ ने आयकर अधिनियम, 1961 की धारा 246 की उपधारा (2) के खण्ड (1) के उपसंधों के अनुसार निदेश दिया है या भविष्य में निदेश दे, कार्य निवृत्ति करेंगे।

अनुसूची

अधिकार अधिकार तथा प्रधान आयकर बांड़/परिमण्डल
कार्यालय जिला/रेंज

1

2

1. आयकर आयुक्त

(अपील)-1.

नई दिल्ली

1. निरीक्षी सहायक आयुक्त,

कंपनी रेंज-II, नई दिल्ली

(पहले निरीक्षी सहायक

आयुक्त, रेंज-1 ए, नई

दिल्ली के रूप में व्यवस्थित

या) और उस रेंज के

क्षेत्राधिकार में आने वाले

सभी बांड़/परिमण्डल/जिले।

2. निरीक्षी सहायक आयुक्त

(कर-निर्धारण) रेंज-III

नई दिल्ली और उस रेंज

के क्षेत्राधिकार में आने

वाले सभी बांड़/परिमण्डल/

जिले।

3. निरीक्षी सहायक आयुक्त

(कर-निर्धारण), रेंज XIX

नई दिल्ली और उस रेंज

के क्षेत्राधिकार में आने वाले

सभी बांड़/परिमण्डल/जिले।

1

2. आयकर आयुक्त

(अपील)-II

नई दिल्ली

1. निरीक्षी सहायक आयुक्त,
कंपनी रेंज-III, नई दिल्ली
(पहले निरीक्षी सहायक
आयुक्त रेंज-II का, नई दिल्ली
के रूप में व्यवस्थित था)
और कंपनी परिमण्डल IX
को छोड़कर उस रेंज के
क्षेत्राधिकार में आने वाले
सभी बांड़/परिमण्डल/जिले।

3. आयकर आयुक्त

(अपील)-III

नई दिल्ली

1. सम्पदा शुल्क नियंत्रक, दिल्ली,
दिल्ली (केन्द्रीय), रीहतक,
पटियाला, जथपुर और ओष्ठपुर
के सम्पदा शुल्क नियंत्रकों के
क्षेत्राधिकार में आने वाले संपदा
शुल्क सहायक नियंत्रक पर
ग्रन्त्य क्षेत्राधिकार वाला
संपदा शुल्क अपीलीय नियंत्रक।2. निरीक्षी सहायक आयुक्त V
क, नई दिल्ली और उस रेंज
के क्षेत्राधिकार में आने
वाले सभी बांड़/परिमण्डल/
जिले।3. निरीक्षी सहायक आयुक्त
(कर-निर्धारण), रेंज XVII
नई दिल्ली और उस रेंज के
क्षेत्राधिकार में आने वाले
सभी बांड़/परिमण्डल/जिले।4. निरीक्षी सहायक आयुक्त,
सर्वेक्षण रेंज, नई दिल्ली और
उस रेंज के क्षेत्राधिकार में
आने वाले सभी बांड़/परि-
मण्डल/जिले।5. निरीक्षी सहायक आयुक्त
(कर-निर्धारण), रेंज XVI
नई दिल्ली और उस रेंज
के क्षेत्राधिकार में आने वाले
सभी बांड़/परिमण्डल/जिले।

आयकर आयुक्त

(अपील)-IV

नई दिल्ली

1. निरीक्षी सहायक आयुक्त,
रेंज-IV—ग, नई दिल्ली
और उस रेंज के क्षेत्राधि-
कार में आने वाले सभी
बांड़/जिले / परिमण्डल।

1	2	1	2
2. निरीक्षी सहायक आयुक्त, रेज-V-ब, नई दिल्ली और उस रेज के क्षेत्राधिकार में आने वाले सभी वार्ड/परिमंडल/जिले।		9. आयकर आयुक्त (अधीन)-IX, नई दिल्ली	1. निरीक्षी सहायक आयुक्त (सी)-रेज-III, नई दिल्ली और उस रेज के क्षेत्राधिकार में आने वाले सभी वार्ड/परिमंडल/जिले।
3. निरीक्षी सहायक आयुक्त (कर-निधि०), रेज-XI, नई दिल्ली (पहले निरीक्षी सहायक आयुक्त, रेज-V-ड, नई दिल्ली के रूप में पदनामित था) और उस रेज के क्षेत्राधिकार में आने वाले सभी वार्ड/परिमंडल/जिले।			2. निरीक्षी सहायक आयुक्त (सी), रेज-V, नई दिल्ली और उस रेज के क्षेत्राधिकार में आने वाले सभी वार्ड/परिमंडल/जिले।
4. निरीक्षी सहायक आयुक्त (कर-निधि०), रेज-XII, नई दिल्ली (पहले निरीक्षी सहायक आयुक्त, रेज-V, नयी दिल्ली के रूप में पदनामित था) और उस रेज के क्षेत्राधिकार में आने वाले सभी वार्ड/परिमंडल/जिले।			3. निरीक्षी सहायक आयुक्त (सी)-रेज-VI, नई दिल्ली और उस रेज के क्षेत्राधिकार में आने वाले सभी वार्ड/परिमंडल/जिले।
8. आयकर आयुक्त (अधीन)-VIII, नई दिल्ली	1. निरीक्षी सहायक आयुक्त (सी)-रेज-I, नई दिल्ली और उस रेज के क्षेत्राधिकार में आने वाले सभी वार्ड/परिमंडल/जिले।	4. निरीक्षी सहायक आयुक्त-रेज-VI-ब, नई दिल्ली और उस रेज के क्षेत्राधिकार में आने वाले सभी वार्ड/परिमंडल/जिले।	5. निरीक्षी सहायक आयुक्त-रेज VI-ब, नई दिल्ली और उस रेज के क्षेत्राधिकार में आने वाले सभी वार्ड/परिमंडल/जिले।
	2. निरीक्षी सहायक आयुक्त (सी)-रेज-II, नई दिल्ली और उस रेज के क्षेत्राधिकार में आने वाले सभी वार्ड/परिमंडल/जिले।	6. निरीक्षी सहायक आयुक्त-रेज-IV, नई दिल्ली और उस रेज के क्षेत्राधिकार में आने वाले सभी वार्ड/परिमंडल/जिले।	7. निरीक्षी सहायक आयुक्त (कर-निधि०) रेज-XVII, नई दिल्ली और उस रेज के क्षेत्राधिकार में आने वाले सभी वार्ड/परिमंडल/जिले।
	3. निरीक्षी सहायक आयुक्त (सी)-रेज-IV, नई दिल्ली और उस रेज के क्षेत्राधिकार में आने वाले सभी वार्ड/परिमंडल/जिले।	10. आयकर आयुक्त (अधीन)-X, नई दिल्ली	8. निरीक्षी सहायक आयुक्त (कर-निधि०), रेज-III, नई दिल्ली (पहले निरीक्षी सहायक आयुक्त-रेज-II-ड; नई दिल्ली के रूप में पदनामित था) और उस रेज के क्षेत्राधिकार में आने वाले सभी वार्ड/परिमंडल/जिले।
	4. निरीक्षी सहायक आयुक्त (सी)-रेज-VII, नई दिल्ली और उस रेज के क्षेत्राधिकार में आने वाले सभी वार्ड/परिमंडल/जिले।		

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2. निरीक्षी सहायक आयुक्त (कर-निधा.)-रेंज-IV, नई दिल्ली (पहले निरीक्षी सहायक आयुक्त-रेंज-II-च, नई दिल्ली के रूप में पदनामित था) और उस रेंज के क्षेत्राधिकार में आने वाले सभी बांड़/परिमंडल/जिले।	5. निरीक्षी सहायक आयुक्त (अधिग्रहण)-रेंज-VI, नई दिल्ली।		
3. निरीक्षी सहायक आयुक्त कम्पनी रेंज-IV, नई दिल्ली और उस रेंज के क्षेत्राधिकार में आने वाले कंपनी परिमंडल XVIII, नई दिल्ली को छाड़कर सभी बांड़/जिले/परिमंडल।	6. निरीक्षी सहायक आयुक्त-रेंज-V नई दिल्ली और उस रेंज के क्षेत्राधिकार में आने वाले सभी बांड़/परिमंडल/जिले।	2. आयकर अधिकारी कंपनी परिमंडल-IX नई दिल्ली	
4. निरीक्षी सहायक आयुक्त (कर-निधा.) रेंज-XV, नई दिल्ली और उस रेंज के क्षेत्राधिकार में आने वाले सभी बांड़/परिमंडल/जिले।	12. आयकर आयुक्त (अपील)-XII नई दिल्ली	1. निरीक्षी सहायक आयुक्त-रेंज-III-घ नई दिल्ली और उस रेंज के क्षेत्राधिकार में आने वाले सभी बांड़/जिले/परिमंडल।	
11. आयकर आयुक्त (अपील -XI) नई दिल्ली	1. निरीक्षी सहायक आयुक्त (कर-निधा.)-रेंज-V नई दिल्ली (पहले निरीक्षी सहायक आयुक्त-रेंज-II-छ नई दिल्ली के रूप में पदनामित था) और उस रेंज के क्षेत्राधिकार में आने वाले सभी बांड़/परिमंडल/जिले।	2. निरीक्षी सहायक आयुक्त (कर-निधा.)-रेंज-VII नई दिल्ली (पहले निरीक्षी सहायक आयुक्त-रेंज-IV नई दिल्ली के रूप में पदनामित था) और उस रेंज के क्षेत्राधिकार में आने वाले सभी बांड़/परिमंडल/जिले।	
	2. निरीक्षी सहायक आयुक्त (कर-निधा.)-रेंज-XV नई दिल्ली (पहले निरीक्षी सहायक आयुक्त रेंज-II ज, नई दिल्ली) और उस रेंज के क्षेत्राधिकार में आने वाले सभी बांड़/परिमंडल/जिले।	3. निरीक्षी सहायक आयुक्त (कर-निधा.)-रेंज-VIII नई दिल्ली (पहले निरीक्षी सहायक आयुक्त-रेंज-IV-छ नई दिल्ली के रूप में पदनामित था) और उस रेंज के क्षेत्राधिकार में आने वाले सभी बांड़/परिमंडल/जिले।	
	3. निरीक्षी सहायक आयुक्त (अधिग्रहण) -रेंज-I नई दिल्ली।	4. निरीक्षी सहायक आयुक्त-रेंज-VI घ, नई दिल्ली (पहले निरीक्षी सहायक आयुक्त-रेंज-II-ख, नई दिल्ली के रूप में पदनामित था) और उस रेंज के क्षेत्राधिकार में आने वाले सभी बांड़/परिमंडल/जिले।	
	4. निरीक्षी सहायक आयुक्त (अधिग्रहण)-रेंज-II नई दिल्ली।	5. आयकर अधिकारी कंपनी परिमंडल-XVIII नई दिल्ली।	

जहाँ कोई आयकर वार्ड, परिमंडल, जिला अथवा रेंज अथवा उसका कोई भाग, इस अधिसूचना द्वारा एक रेंज से किसी अन्य रेंज में अन्तरित कर दिया गया हो वहाँ उस आयकर वार्ड, परिमंडल, जिला अथवा रेंज अथवा उसके किसी भाग में किए गए निधारणों से उत्पन्न होने वाली और इस अधिसूचना की तारीख से तत्काल पूर्व रेंज के उस आयकर आयुक्त (अपील) के समक्ष विचाराधीन पड़ी अपील जिसके अधिकार-क्षेत्र में उक्त आयकर वार्ड, परिमंडल, जिला अथवा रेंज अथवा उसका कोई भाग अन्तरित किया गया हो, इस अधिसूचना के लागू होने की तारीख से रेंज के उस आयकर आयुक्त (अपील) को अन्तरित की जाएंगी और उसके द्वारा निपटाई जाएंगी जिसके अधिकार-क्षेत्र में उक्त वार्ड, परिमंडल, जिला अथवा रेंज अथवा उसका कोई भाग अन्तरित किया गया है।

मह अधिसूचना 1-1-1985 से लागू होगी।

[सं. 6090 (फा. सं. 261/3/84-आ. क. न्या.)]

CENTRAL BOARD OF DIRECT TAXES

New Delhi, the 31st December, 1984

INCOME TAX

S.O. 714.—In exercise of the powers conferred by sub-section(1) of section 121A of the income-tax Act, 1961 (43 of 1961) and in partial modification of the notifications issued earlier the Central Board of Direct Taxes hereby directs that the Commissioner of Income-tax (Appeals of the charges specified in column no.(1) of the schedule below, shall perform their functions in respect of such persons assessed to Income-tax or sur-tax or interest tax in the Income-tax Wards, Circles, Districts and Ranges specified in the corresponding entries in column 2 thereof as are aggrieved by any of the orders mentioned in clauses (a) to (b) of sub-section (2) of Section 246 of the Income-tax Act, 1961 in sub-section (1) of section 11 of companies (profits) Sur-tax Act, 1964 (7 of 1964) and in sub-section (1) of section 15 of the Interest tax Act, 1974 (45 of 1974) and also, in respect of such persons or classes of persons as the Board has directed or may direct in future in accordance with the provisions of clause (1) of sub-section (2) of section 246 of the Income-tax Act, 1961.

SCHEDULE

Charges with Head Quarters	Income-tax Wards/Circles /Districts/Ranges
1	2
1. Commissioner of Income-tax, (Appeal)-I, New Delhi.	1. IAC, Companies Range-II, New Delhi (formerly designated as IAC, Range-I-D, New Delhi) and all wards/Circles/Districts within the jurisdiction of that Range.
	2. IAC (Asstt.)-Range-XIII, New Delhi and all Wards/Circles/Districts within the jurisdiction of that Range.
	3. IAC (Asstt.) Range-XL New Delhi and all Wards/Circles/Districts within the jurisdiction of that Range.
	4. Commissioner of Income-tax, (Appeal)-IV, New Delhi.
	5. Commissioner of Income-tax, (Appeal)-V, New Delhi.
	6. IAC, Range-IV-B, New Delhi and all Wards/Circles/Districts within the jurisdiction of that Range.
	7. IAC, Companies Range-I, New Delhi (formerly designated as IAC, Range-IA C New Delhi) and all Wards/Districts/Circles within the jurisdiction of that Range.

1	2	1	2
		3. IAC (Asstt), Range-I, New Delhi (formerly designated as IAC-R-I E, New Delhi) and all Wards/Circles/Districts within the jurisdiction of that Range.	3. IAC (C)-Range-IV, New Delhi and all Wards/Circles/Districts within the jurisdiction of that Range.
		4. IAC (Asstt), Range-II, New Delhi (formerly designated as IAC-R-I-F, New Delhi) and all Wards/Circles/Districts within the jurisdiction of that Range.	4. IAC (C)-Range-VII, New Delhi and all Wards/Circles/Districts within the jurisdiction of that Range.
6. Commissioner of Income-tax, (Appeal)-VI, New Delhi.	1. IAC, Range-III-A, New Delhi and all Wards/Circles/Districts within the jurisdiction of that Range. 2. IAC, Range-III-B, New Delhi and all Wards/Districts/Circles within the jurisdiction of that Range. 3. IAC, Range-III-C, New Delhi and all Wards/Circles/Districts within the jurisdiction of that Range. 4. IAC (Asstt), Range-IX, New Delhi (formerly designated as IAC-R-III-E, New Delhi) and all Wards/Circles/Districts within the jurisdiction of that Range. 5. IAC (Asstt), Range-X, New Delhi (formerly designated as IAC-Range-III-F, New Delhi) and all Wards/Circles/Districts within the jurisdiction of that Range.	9. Commissioner of Income-tax, (Appeal)-IX, New Delhi.	1. IAC (C)-Range-III, New Delhi and all Wards/Circles/Districts within the jurisdiction of that Range. 2. IAC (C)-Range-V, New Delhi and all Wards/Circles/Districts within the jurisdiction of that Range. 3. IAC (C)-Range-VI, New Delhi and all Wards/Circles/Districts within the jurisdiction of that Range. 4. IAC-Range-VI-A, New Delhi and all Wards/Circles/Districts within the jurisdiction of that Range. 5. IAC-Range-VIB, New Delhi and all Wards/Circles/Districts within the jurisdiction of that Range. 6. IAC-Range-VI-C, New Delhi and all Wards/Circles/Districts within the jurisdiction of that Range. 7. IAC (Asstt.), Range-XVII, New Delhi and all Wards/Circles/Districts within the jurisdiction of that Range.
7. Commissioner of Income-tax, (Appeal)-VII, New Delhi.	1. IAC, Range-V-A, New Delhi and all Wards/Circles/Districts within the jurisdiction of that Range. 2. IAC, Range-V-B, New Delhi and all Wards/Circles/Districts within the jurisdiction of that Range. 3. IAC (Asstt), Range-XI, New Delhi (formerly designated as IAC-R-V-E, New Delhi) and all Wards/Circles/Districts within the jurisdiction of that Range. 4. IAC (Asstt), Range-XII, New Delhi (formerly designated as IAC-Range-V-F, New Delhi) and all Wards/Circles/Districts within the jurisdiction of that Range.	10. Commissioner of Income-tax, (Appeal)-X, New Delhi.	1. IAC (Asstt.)-R-III, New Delhi (formerly designated as IAC-R-II-E, New Delhi) and all Wards/Circles/Districts within the jurisdiction of that Range. 2. IAC (Asstt.)-Range-IV, New Delhi (formerly designated as IAC-R-II-F, New Delhi) and all Wards/Circles/Districts within the jurisdiction of that Range. 3. IAC, Coy-Range-IV, New Delhi and all Wards/Districts/Circles except Coy Circle-XVIII, New Delhi within the jurisdiction of that Range. 4. IAC (Asstt.)-Range-XV, New Delhi and all Wards/Circles/Districts within the jurisdiction of that Range.
8. Commissioner of Income-tax, (Appeal)-VIII, New Delhi.	1. IAC (C)-Range-I, New Delhi and all Wards/Circles/Districts within the jurisdiction of that Range. 2. IAC (C)-Range-II, New Delhi and all Wards/Circles/Districts within the jurisdiction of that Range.	11. Commissioner of Income-tax, (Appeal), XI, New Delhi.	1. IAC (Asstt.)-Range-V, New Delhi (formerly designated as IAC-Range-II-G, New Delhi) and all Wards/Circles/Districts within the jurisdiction of that Range.

1	2	3
		प्रदत्त शक्तियों का प्रयोग करते हुए और इस संबंध में सभी पूर्ववर्ती अधिसूचनाओं का अधिलंघन करते हुए, केन्द्रीय प्रत्यक्ष कर बोर्ड एतदारा निर्देश देता है कि नीचे दी गई अनुसूची के स्तम्भ (2) में विनिर्दिष्ट रेजों के अपीलीय सहायक आयकर आयुक्त, आयकर से निर्धारित उन सभी शक्तियों और आय को छोड़कर जिन पर क्षेत्राधिकार आयकर आयुक्त (अपील) में निहित है, उक्त अनुसूची के स्तम्भ (3) की तत्संबंधी प्रविष्टि में विनिर्दिष्ट आयकर परिमण्डलों, बांडों और जिलों में, आयकर से निर्धारित सभी शक्तियों और आय के संबंध में अपने कार्य करें।
		अनुसूची
	क्रम सं.	अपीलीय सहायक आयकर परिमण्डल, बांड और जिला आयुक्त की रेज
1	2	3
12. Commissioner of Income-tax, (Appeal)-XII, New Delhi.	1. IAC-Range-III-D, New Delhi and all Wards/Districts/Circles within the jurisdiction of that Range. 2. IAC (Asstt.)-Range-VII, New Delhi (formerly designated as IAC-R-IV-I, New Delhi) and all Wards/Circles/Districts within the jurisdiction of that Range. 3. IAC (Asstt.)-Range-VIII, New Delhi (formerly designated as IAC-R-IV-G, New Delhi) and all Wards/Circles/Districts within the jurisdiction of that Range. 4. IAC-Range-VI-D, New Delhi (formerly designated As IAC-R-II-B, New Delhi) and all Wards/Circles/Districts within the jurisdiction of that Range. 5. I.T.O., Company Circle-XVIII, New Delhi.	1. परिमण्डल—III, हैदराबाद। 2. करीमनगर। 3. सर्वेक्षण परिमण्डल, करीमनगर। 4. खाम्माम। 5. परिमण्डल—4, हैदराबाद। 6. फिल्म परिमण्डल हैदराबाद। 7. कम्पनी परिमण्डल, हैदराबाद। 8. परियोजना परिमण्डल, हैदराबाद। 9. केन्द्रीय परिमण्डल—I, हैदराबाद। 10. केन्द्रीय परिमण्डल—II, हैदराबाद। 11. केन्द्रीय परिमण्डल—III हैदराबाद। 12. परिमण्डल—I, हैदराबाद। 13. विशेष जांच परिमण्डल—I हैदराबाद। 1. निजामाबाद। 2. सर्वेक्षण परिमण्डल, निजामाबाद। 3. निम्बल। 4. सर्वेक्षण परिमण्डल, हैदराबाद। 5. विशेष जांच परिमण्डल—II, हैदराबाद।

Whereas Income-tax Ward, Circle, District or Range or part thereof, stands transferred by this Notification from one charge to another charge, appeals arising out of assessments made in that Income-tax Ward, Circle, District or Range or part thereof and pending immediately before the date of this Notification before the Commissioner of Income-tax (Appeal) of the charge from whom the Income-tax Ward, Circle, District or Range or part thereof is transferred, are to be dealt with by the Commissioner of Income-tax (Appeals) of the charge to whom the said Ward, Circle, District or Range or part thereof is transferred.

This Notification shall take effect from 1-1-85.

[No. 6090 (F. No. 261/3/84-IT)]

नई विस्ती, 1 जनवरी, 1985

आयकर

का. आ. 715:—आयकर अधिनियम, 1961
(1961 का 43) की धारा 122 की उपधारा (1) द्वारा

1	2	3	1	2	3
		6. महबूबनगर। 7. वारंगल। 8. सर्वेक्षण परिमण्डल, वारंगल। 9. सांगारेड्डी। 10. परिमण्डल-II, हैदराबाद। 11. विशेष परिमण्डल, हैदराबाद। 12. नलगोड़ा।			8. श्रीकाकुलम्। 9. केन्द्रीय परिमण्डल-I, काकीनाड़ा। 10. परिमण्डल-I, काकीनाड़ा। 11. परिमण्डल-II, काकीनाड़ा। 12. विशेष जांच परिमण्डल, विशाखापत्तनम्। 13. सर्वेक्षण परिमण्डल, काकीनाड़ा।
3.	अपीलीय सहायक आयकर आयुक्त, रेंज-क विजयवाड़ा।	1. विजयवाड़ा परिमण्डल के "च", "छ" और "ज" वार्ड से भिन्न सभी वार्ड। 2. सर्वेक्षण परिमण्डल, विजयवाड़ा। 3. मछलीपट्टनम्। 4. तेनाली। 5. गुड्डीवाड़ा। 6. नेल्लोर। 7. ओंगोले। 8. बापहला। 9. गुंटूर। 10. सर्वेक्षण परिमण्डल, गुंटूर। 11. केन्द्रीय परिमण्डल, विजयवाड़ा। 12. पालाकोल। 13. तानुकू। 14. भीमावरम्। 15. विशेष जांच परिमण्डल, गंगूर। 16. विशेष परिमण्डल, नेल्लोर। 17. सर्वेक्षण परिमण्डल, पालाकोल। 18. एसुरु।	6.	अपीलीय सहायक आयकर आयुक्त, अनन्तपुर।	1. अनन्तपुर। 2. हिन्दूपुर। 3. कुड्डापाह। 4. प्रोद्धतातुर। 5. तिरुपति। 6. सर्वेक्षण परिमण्डल, तिरुपति। 7. चिसूर। 8. अडोनी। 9. कुरनूल। 10. नानड्ड्याल। 11. सर्वेक्षण परिमण्डल, अनन्तपुर।
4.	अपीलीय सहायक आयकर आयुक्त, रेंज-ख, विजयवाड़ा।	वेतन परिमण्डल, हैदराबाद। विजयवाड़ा परिमण्डल के "च", "छ" और "ज" वार्ड।			यतः कोई आयकर परिमण्डल/वार्ड अथवा जिला अथवा उसका कोई भाग इस अधिसूचना द्वारा एक रेंज से किसी अन्य रेंज में अंतरित कर दिया जाता है, उस परिमण्डल, वार्ड अथवा जिले अथवा उसके किसी भाग में किए गए कर-निर्धारणों से उत्पन्न होने वाली और इस अधिसूचना की तारीख से तत्काल पूर्व रेंज के उस अपीलीय सहायक आयुक्त के समय विचाराधीन पड़ी अपीलें, जिनके अधिकार-क्षेत्र से उस परिमण्डल, वार्ड अथवा जिला अथवा उसका कोई भाग अंतरित किया गया हो, इस अधिसूचना के लागू होने की तारीख से रेंज के उस अपीलीय सहायक आयुक्त को अंतरित की जाएंगी और उसके द्वारा निपटाई जाएंगी, जिसके अधिकार-क्षेत्र में उक्त परिमण्डल, वार्ड अथवा जिला अथवा उसका कोई भाग अंतरित किया गया हो।
5.	अपीलीय सहायक आयकर आयुक्त, विशाखापट्टनम्।	1. अमलापुरम्। 2. राजामुन्द्री। 3. सर्वेक्षण परिमण्डल, राजामुन्द्री। 4. विशाखापट्टनम्। 5. सर्वेक्षण परिमण्डल, विशाखापट्टनम्। 6. विजयनगरम्। 7. अमाकापल्ली।			यह अधिसूचना 1-1-1985 से लागू होगी। [सं. 6092 (फा. सं. 261/19/84-आ. क. न्या.)] कल्याण चन्द्र, अवर सचिव केन्द्रीय प्रत्यक्ष कर बोर्ड

New Delhi, the 1st January, 1985

INCOME TAX.

S.O.715—In exercise of the powers conferred by sub-section (1) of Section 122 of the Income Tax Act, 1961 (43 of 1961) and in supersession of all the previous notifications in this regard the Central Board of Direct Taxes, hereby directs that Appellate

Assistant Commissioners of Income-tax of the Ranges specified in column (2) of the schedule below shall perform their functions in respect of all persons and income assessed to income tax in the income-tax Circles, Wards and Districts specified in the corresponding entry in column (3) thereof excluding all persons and incomes assessed to income tax over which the jurisdiction vest in the Commissioner of Income-tax (Appeals).

SCHEDULE

S.No.	Appellate Assistant Commissioner's Range	Income-tax Circle Ward and District	1	2	3
1	2	3			
1.	Appellate Assistant Commissioner of Income-tax, 'A' Range, Hyderabad.	1. Circle-III, Hyderabad. 2. Karimnagar. 3. Survey Circle, Karimnagar. 4. Khammam. 5. Circle-IV, Hyderabad. 6. Film Circle, Hyderabad. 7. Com. Circle, Hyderabad. 8. Project Circle, Hyd. 9. Central Circle-I, Hyd. 10. Central Circle-II, Hyderabad. 11. Central Circle-III, Hyderabad. 12. Circle-I, Hyderabad. 13. Special Investigation Circle-I, Hyderabad.	4.	Appellate Assistant Commissioner of Income-tax, B-Range, Vijayawada	Salary Circle, Hyderabad. 'F' 'G' and 'H' Wards of Vijayawada Circle.
2.	Appellate Assistant Commissioner of Income-tax, 'B' Range, Hyderabad.	1. Nizamabad. 2. Survey Circle, Nizamabad. 3. Nirmal. 4. Survey Circle, Hyderabad. 5. Special Investigation, Circle-II, Hyderabad. 6. Mahaboobnagar. 7. Warangal. 8. Survey Circle, Warangal. 9. Sangareddy. 10. Circle-II, Hyderabad. 11. Special Circle, Hyderabad 12. Nalgonda.	5.	Appellate Assistant Commissioner of Income-tax, Visakhapatnam.	1. Amalapuram.. 2. Rajahmundry 3. Survey Circle, Rajahmundry. 4. Visakhapatnam. 5. Survey Circle, Visakhapatnam. 6. Vijayanagaram. 7. Anakapalli 8. Srikakulam 9. Central Circle-I, Kakinada. 10. Circle-I, Kakinada. 11. Circle-II, Kakinada. 12. Special Investigation Circle, Visakhapatnam
3.	Appellate Assistant Commissioner of Income-tax, A-Range, Vijayawada.	1. All Wards of Vijayawada Circle Other than 'F', 'G' and 'H' Wards. 2. Survey Circle, Vijayawada. 3. Machilipatnam. 4. Tenali 5. Gudiyada 6. Nellore 7. Ongole. 8. Bapatla 9. Guntur 10. Survey Circle, Guntur. 11. Central Circle, Vijayawada. 12. Palakol	6.	Appellate Assistant Commissioner of Income-tax, Anantapur	1. Anantapur 2. Hindupur. 3. Cuddapah 4. Proddatur. 5. Tirupathi 6. Survey Circle, Tirupathi. 7. Chittoor 8. Adoni 9. Kurnool 10. Nandyal 11. Survey Circle, Anantapur

Whereas the Income-tax Circle/Wards or district or part thereof stands transferred by this notification from one Range to another Range, appeals arising out of assessments made in that circle, ward or district or part thereof and pending immediately before the date of this notification before the Appellate Assistant Commissioner of the Range from whom that Income-tax Circle, Ward or District or part thereof is transferred shall from the date this notification takes effect, be transferred to and dealt with by the Appellate Assistant Commissioner of the Range to whom the said Circle, Ward, or District or part thereof is transferred.

This notification shall take effect from 1-1-85.

[No. 6092 (F. No. 261/19/84-ITJ)]

Kalyan Chand, Under Secy.,
Central Board of Direct Taxes